

ACTS  
OF THE  
SESSION OF 1865-6,  
OF THE  
GENERAL ASSEMBLY OF ALABAMA,  
HELD IN THE  
CITY OF MONTGOMERY,  
COMMENCING ON THE  
3D MONDAY IN NOVEMBER, 1865.

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LEWIS E. PARSONS, Provisional Governor until December 13, 1865.  
ROBERT M. PATTON, Governor.  
THOMAS B. COOPER, Speaker House of Representatives.  
WALTER H. CRENSHAW, President of the Senate.

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MONTGOMERY:  
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1866.

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LAWS  
OF THE  
STATE OF ALABAMA.

No. 1.]

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AN ACT

To establish Revenue Laws of the State of Alabama.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the following rules as to the taxation of persons and property are hereby established, to-wit:

Rules of taxation.

1. All lands subject to taxation must be taxed in proportion to their value.

2. Lands belonging to citizens of the United States residing out of the State cannot be taxed higher than land belonging to persons residing therein.

3. No tax can be imposed on land, the property of the United States.

4. All the navigable waters within the State are to remain forever public highways, free to the citizens of the State and of the United States, without any tax, impost or toll thereon, imposed by the State.

5. The following persons and property are exempt from taxation:

Exempt from taxation.

All property belonging to the State, or any county, city or town thereof, or the State Bank or its branches.

All property of the United States.

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All property of literary, scientific, and benevolent institutions actually used for the purposes for which said institutions were created— not exempting, however, any of such property when employed in any other than the regular business of such institutions.

Houses of religious worship and their appurtenances.  
Places and monuments of the dead, and implements of burial.

All tools and implements in actual use of any calling occupation or trade to the value of one hundred dollars.

All insane persons and their property to the value of one thousand dollars.

All disabled or crippled soldiers whose taxable or property does not exceed five hundred dollars from any poll tax.

All lands donated by acts of Congress to railroads in the State remaining unsold and uncultivated.

SEC. 2. *Be it further enacted,* That taxes are to be assessed by the assessor in each county, on and from the following subjects, and at the following rates, to-wit:

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| Poll Tax.  | 1. On every male inhabitant between the ages of eighteen and fifty, except those persons between the ages of eighteen and twenty-one, and the emoluments of whose labor goes to parents, or masters, as the case may be, the sum of two dollars; and to insure the payment of such tax, it shall be the duty of all partnerships, associations, corporations, officers of individuals to return to the assessor the number and names of persons in their employment on the first day of March preceding the assessment, as clerks, book-keepers, overseers, deputies, agents, workmen, journeymen or laborers, subject to such tax, which tax the assessor shall assess against such employer, by them to be collected out of the hire, wages, or salary of such employees as before enumerated. |
| Corporations to give number of employees.                | 2. On all real estate, to be estimated at its market value, in money, according to the best judgment the assessor can form by information, inspection or otherwise, taking into consideration its location, whether in town, or the country, its proximity to local advantages, its quality of soil, growth of timber, mines, minerals, quarries or coal beds, and the amount and character if improvements, one-fourth of one per cent. <i>ad valorem</i> .   |
| Real estate taxed ½ of one city, or 1/1 of one per cent. | 3. On all mills, foundries, forges, mining establishments, quarries, lime or marble works, gin and carriage-   |
| Articles taxed 1/1 of one per                            |  |

cent.

making shops, tanneries and other manufacturing establishments;

On all wharves and wharf-boats, toll-bridges and ferries, turnpikes, and all passes, channels, or canals, where tolls are charged;

On all stocks of goods, wares, or merchandise on hand, to be assessed upon the largest amount on hand at any one period during the tax year; and this shall include all merchandise kept on plantations for sale or to be dealt out to laborers;

On all horses and mules not used strictly for agricultural purposes, except studs, jacks and race horses;

On all meat cattle, on the excess over five head;

On all household furniture, on the excess over three hundred dollars;

On all libraries not exempted by law, on the excess over three hundred dollars;

On all clocks kept for use; and

On all other property, real, personal, or mixed, not otherwise specified and taxed herein, or exempted therefrom, one-fourth of one per cent. *ad valorem*.

4. On all vehicles not exclusively used for agricultural purposes;

On all jewelry, plate and silver-ware, ornaments and articles of taste, pianos and other musical instruments, and paintings, except family portraits; Articles taxed  
½ of one per  
cent.

On all cotton-presses and pickeries;

On all studs, jacks and race-horses;

On all gold and silver watches, and gold safety chains;

On all money hoarded or kept on deposit subject to order either in or out of the State, except funds held subject to draft in the prosecution of a regular exchange business, and except also money kept on hand to defray current family expenses for a period not exceeding one year;

On all money loaned and solvent credits bearing interest from which credits the indebtedness of the tax payer shall be deducted, and the excess only shall be taxed;

On all money employed in buying or trading in paper, or in a regular exchange business, or invested in paper, whether by individuals or corporations, except where the money so employed or invested is otherwise taxed as capital;

On the capital stock actually paid in of all incorporated companies created under any law of this State, whether

general or special, (except railroads) and not exempted  
by their charter from such tax; except any portion that

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- may be invested in property and taxed otherwise as property, one half of one per cent. *ad valorem*.
- Auction. 5. On the gross amount of all sales at auction, made in or during the tax year preceding the assessment, except those made by executors, administrators and guardians, as such, by order of court or under legal process, and under any deed, will or mortgage, at the rate or two per cent. *ad valorem*; except on cargo sales at action of goods imported direct from foreign countries, which shall only be taxed at the rate of one-fourth of one per cent. *ad valorem*.
- Premiums. 6. On the gross amount of premiums (after deducting therefrom all return premiums) received from their business in this State during such tax year, by any insurance company not chartered by this State, and doing business herein by agent or otherwise, at the rate of one per cent. *ad valorem*.
- Commissions. 7. On the gross amount of commissions, or sums charged or received in or during such tax year, by any factor, commission merchant or auctioneer, in buying, selling, or any other act done in the course of their business;
- Cotton Pickeries. On the gross receipts during such tax year of all cotton pickeries, and from the storage of cotton or other merchandise or produce, at the rate of one per cent.
- Playing Cards. sold by wholesale or retail, or otherwise disposed of during such tax year, fifty cents.
- Raffle. 9. On every article, piece of property, or money, put up or disposed of by raffle in such tax year, at the rate of five per cent. *ad valorem* on the amount at which the same is put up: Provided, That a permit or license for such raffle shall first be obtained from the probate judge, and the tax herein assessed shall be paid to the said judge as hereinafter provided, before such license can be issued under penalty of a forfeiture of the property; provided further, that the manages of any fair for the benefit of any charitable, benevolent or religious association, upon making proof to the probate judge aforesaid that the proceeds of any contemplated raffle will be strictly applied to the benefit of such association, shall be exempted from the tax assessed thereon.
- Proviso. 10. On every legacy, where letters testamentary have



Legacy.

not been taken out in this State, received by any person other than the child, adopted child, grand child, brother,

sister, father, mother, husband or wife; and on all property given by deed, or otherwise, to any such person on the amount or value thereof, to be assessed to the beneficiary guardian, trustee or legal representative, at the rate of three per cent. *ad valorem*.

11. On all pistols or revolvers in the possession of private persons not regular dealers holding them for sale, a tax of two dollars each; and on all bowie-knives, or knives of the like description, held by persons not regular dealers as afore said, a tax of three dollars each; and said taxes shall be collected by the assessor when assessing the same, on which a special receipt shall be given to the tax payer therefor, showing that such tax has been paid for the year; and in default of such payment when demanded by the assessor, said pistols, revolvers, bowie knives, or knives of like description, shall be seized by him, and unless redeemed by payment within ten days thereafter of such tax with an additional penalty of fifty per cent., the same shall be sold at public outcry before the court house door, after five days' notice, and the overplus remaining, if any, after deducting the tax and penalty aforesaid, shall be paid over to the person from whom the said pistols, revolvers, bowie knives, or knives of like description, were taken. For each such assessment and collection, the assessor shall be entitled to fifty cents, and when the additional penalty is collected, he shall receive fifty per cent. additional thereto.

Pistols and  
bowie knives.

12. On all steamboats, vessels and other water crafts plying in the navigable waters of the State, at the rate of one dollar per ton of the registered tonnage thereof, which shall be assessed and collected at the port where such vessels are registered, if practicable; otherwise, at any other port or landing within the State where such vessels may be.

Steamboats.

13. On the gross profits of all banking associations created under the laws of the United States, at the rate of two per cen. *ad valorem*.

Banks.

14. On all acts of incorporation granted by the General Assembly, other than act incorporation cities or towns, an *ad valorem* tax of one-tenth of one per cent, on the estimated value of the interest involved or capital authorized, as a bonus to be due and payable to the tax collector of the count in which the office of such corporation may be located, whenever such corporation shall commence actual operations; and this shall apply to such acts passed by

Corporations.

the present General Assembly.

15. On all dividends declared, or earned and not divi-

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- ded, by incorporated companies created under the laws of this State, (except railroads) to be assessed to and paid by the companies earning or declaring the same, a tax of on per cent. *ad valorem*.
- Dividends.
16. On the gross receipts of all railroads horse rail-road companies for freight and passengers, within the limits of this State, a tax of one half of one per cent. *ad valorem*; Provided, however, that upon any railraod extending beyond the limits of this State, this tax shall only be assessed upon such pro-rate portion of the receipts of such company, as the length of road within the State may bear to the entire length of the road upon which the earning accrue.
- Railroads.
17. On the gross receipts of all petroleum and oil companies, or distillers of coal oil, a tax of one per cent. *ad valorem*.
- Petroleum.

## CHAPTER I.

## LICENSES AND TAXES TO BE COLLECTED BY THE PROBATE JUDGE.

SEC. 3. *Be it further enacted*, That the following taxes shall be assess and collected by the Judges of Probate, to-wit:

1. On every legacy subject to assessment left by any will on which letters testamentary are taken out in this State, there must be assessed and collected by the Judge of Probate of the county in which such letters are taken out, a tax of one-half of one per cent. *ad valorem* and if not paid on the receipt of such legacy, such Judge must issue execution for the amount of such assessment against the executor or administrator and his securities, to be collected and returned, as other executions from the Probate Court.
  2. On each lecture to which entrance fees are charged, three dollars; if not paid to the Judge of Probate on demand, the lecturer to be brought before such Judge and fined ten dollars for each lecture he had failed to pay for on demand.
  3. On each public race track, for one year, on every hundred dollars, and at that rate of gross annual income as near as the same can be ascertained, five dollars; but in no case less than fifty dollars.
  4. On all concerts and musical entertainment for profit, except for charitable purposes, five dollars.
  5. On all menageries, museums, wax works or curiosities of any kind (except paintings and statuaries,) on each
- Legacy.
- Lecture.
- Race track.
- Concert.
- Menageries.

days' and nights' exhibiting, ten dollars.

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6. On each exhibition of a circus, a feats of activity, and sleight of hand, of dwarfs, of persons of unusual size, or persons animals deformed; not exceeding twenty-four hours, twenty dollars.

Circus.

7. On each exhibition of spirit rappings, spiritual manifestations, or other device, by whatever name called, which profess to revel communications from the spirits of the living or dead, for profit, pleasure or otherwise, five hundred dollars.

Spirits rappings.

8. On all gift enterprises, so-called, or any person or establishment offering any article for sale, and presenting or proposing to present purchases with any gift or prize as an inducement to purchase, within the limits of this State, one hundred dollars for each and every day such person or establishment continues in operation, and this tax shall not be construed to be a license to conduct such business.

Gift enterprises.

9. On all persons selling or offering to sell tickets in any lottery unauthorized by the laws of the State, a tax of one hundred dollars for each and every day such tickets are sold or offered, and this shall not be construed to be a license to conduct such business, nor to relieve any person from the pains and penalties otherwise prescribed by the laws; Provided, That twenty per cent. of the tax collected shall be paid to the informant

Lottery.

SEC. 4. *Be it further enacted,* That licenses are to be granted and issued by the Judges of Probate on the payment of the following sums as State tax, the county tax thereon and fees:

1. To retain for one year spirituous or vinous liquors, on any steamboat or water craft, one hundred and fifty dollars; in a city or town having more than one thousand and less than five thousand inhabitants, two hundred dollars; in a city or town having more than five thousand inhabitants, three hundred dollars; in a city, town or village having more than five hundred and less than one thousand inhabitants, one hundred and fifty dollars; in villages having less than five hundred inhabitants, and in the country, one hundred dollars; Provided, that any person, not a regular merchant or distiller, who shall sell or dispose of spirituous liquors, in any quantity, to consumers, must first take out the retail license required by this paragraph; and provided, further, that any merchant or distiller shall be exempted from the tax of fifty cents

Retailing liquors.

Proviso.

per gallon, assessed under this act, on all spirituous li-

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quors, sold at wholesale for export, in good faith, beyond the limits of this State, and not for consumption within the State.

Auctioneer.

2. To carry on the business of an auctioneer throughout the State for one year, twenty-five dollars.

Making pictures.

3. To practice or carry on the business for one year of taking pictures, by whatever mode, or on whatever material, (except drawing by the eye and hand, and the painting in oil or water colors of family portraits and other pictures) at one place in the country, or in a village not having more than five hundred inhabitants, twenty-five dollars. In towns not having more than four thousand inhabitants, fifty dollars; in towns or cities having over four thousand inhabitants, one hundred dollars; and to practice the art generally in the State, two hundred dollars.

Dentistry.

4. To carry on the business of dentistry by any transient dentist throughout the State for one year, seventy five dollars.

Billiard table.

5. To keep a billiard table for public play for one year, one hundred dollars; at a watering place for six months, fifty dollars; but if used for a longer time than the six months, under any pretense, the owner or proprietor of the table shall be liable to indictment in the same manner as if no license had been granted.

Ten-pin alley and bagatelle.

6. To keep a ten-pin alley or alley of like kind, a bagatelle table or any other table, stand or place, for any other game or play, with or without a name, unless such alley, table, stand, place, or game is kept for exercise or amusement alone, and not prohibited by law, for one year, twenty-five dollars.

Hotel and entertainment.

7. To keep a hotel or house of entertainment for transient persons for one year, at one place in a city, town, or village, watering place, place of summer resort, or within one mile of any such place, on each hundred dollars of the annual rent or estimated rent thereof, five dollars, but in no case less than ten dollars.

Restaurant.

8. To keep a restaurant or eating house, at any one place in a county, for one year, twenty-five dollars.

Lager beer saloon.

9. To keep a lager beer saloon for one year, at any one place, in a city having more than five thousand inhabitants, one hundred dollars; in a city, town, or village having less than five thousand and more than one thou-



sand inhabitants, fifty dollars; in any village having less

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than one thousand inhabitants, or in the country, twenty-five dollars.

10. For a local theatre for one year, two hundred dollars; for a travelling theatrical company for one year for the State, one hundred dollars.

Theatre.

11. To peddle one year on any one steamboat, or other water-craft, (not to include the retail or liquors,) five hundred dollar; in a wagon for each wagon in a county, two hundred dollars; on a horse, for each horse in a county, one hundred dollars; and on foot, for each person in a county, fifty dollars.

Peddling.

12. To sell or expose for sale, for one year, at any one place, any pictorial or illustrated weekly, or monthly paper, periodical, or magazine, published outside the limits of this State, and not in a foreign country, and to vend the same on the streets, or on boats or railroad cars, fifty dollars.

Periodicals.

13. To keep a news depot for one year, in any city, town or village, for the sale of any newspaper, periodical or magazine, not including pictorials, provided for in the preceding paragraph, ten dollar.

News depot.

14. To keep a barber-shop or hair-dressing saloon in any city, town or village containing more than one thousand inhabitants, for one year, twenty-five dollars; in any town or village, containing less than one thousand inhabitants, fifteen dollars.

Barber shop.

15. To keep a pawn-broker's establishment, for one year, one hundred dollars; and it shall not be lawful for any person to carry on such business, or loan money on the pledge of any article, without first procuring a license therefor.

Pawn-broker.

16. To practice fortune telling, or clairvoyancy, or pretending to foretell future events, for profit, fifteen dollars for each and every day such person shall continue such occupation, and any person practicing the same without first taking out license therefor, shall be guilty of a misdemeanor, and punished by fine or imprisonment, at the discretion of the jury trying the same.

Fortune tell-

SEC. 5. *Be it further enacted,* That there shall be assessed and collected upon the annual gains, profits or income of every person residing within the State from whatever sources derived; and upon all salaries and fees of public officers, and upon the salaries of all other persons

Tax on incomes and prof-

upon the excess of such gains, profits, incomes, fees or salaries, over five hundred dollars, at the rate of one per

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Proviso. cent, *ad valorem*; Provided, That in estimating the annual gains, profits, or income of any person, all national, state, county and municipal taxes, assessed to and paid by such person within the year, except the tax assessed under this section, shall be deducted therefrom; also, all income derived from dividends on shares in the capital stock of any incorporated company, (where such tax has been assessed and paid by such incorporated company;) also, the amount paid by any person for the rent of the homestead used, or the rental value of the same if owned by himself or his family; also, when any person rents buildings, lands or other property, or hires labor to cultivate such lands, or to conduct any other business form which such income is actually derived, or pays interest upon any actual incumbrance thereon, the amount actually paid for such rent, labor or interest, or the rental value of any lands cultivated as above, if owned by the occupant thereof, shall be deducted; also, the amount paid our for usual ordinary repairs, not including any new buildings, or permanent improvements, shall be deducted; Provided, also, that any person shall be exempted from the operations of this section, upon whose gross receipts, commissions or profits, taxes are assessed under the provisions of the second section of this act.

Further proviso. SEC. 6. *Be it further enacted*, That the secretaries, treasurers, superintendents, agents, or managers of the several telegraph companies, now or hereafter doing business in this State, shall, on or before the fifteenth day of April, 1866, and within the first fifteen days of April in each year thereafter, make out under oath, and deliver to the Comptroller, true and full statements of the gross amount of receipts for the telegraphic messages at each of the offices, or places of doing business of the said companies, respectively, within the limits of this State, received from and after the first day of October, 1865, and each of said telegraph companies shall, within the first twenty days of April, 1866, and annually thereafter, pay to the Comptroller a tax of two per cent. upon the gross amount of all receipts for telegraphic messages paid to such company within the limits of this State, between the first day of October, 1865, and the first day of April, 1866, and for each succeeding year; and the payment of such tax shall be in lieu of all other

Telegraphs.

Two per cent. on receipts.

taxes upon the capital stock, or other property of said telegraph companies, used exclusively in its telegraphic

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business; Provided, however, That whenever any such company shall fail to make the returns and payment required under this section, such defaulting company shall be held liable to an additional tax of fifty per cent.

Proviso.

SEC. 7. *Be it further enacted,* That the secretaries, superintendents, agents or managers of the several express companies now or hereafter doing business in this State, shall, on or before the fifteenth day of April, 1866, and within the first fifteen days of April in each year thereafter, make out under oath, and deliver to the Comptroller true and full statements of the gross amounts of express charges made by or paid to said companies respectively, at each of the offices or places of doing business of said respective companies within the limits of this State, and each of said express companies, shall, within the first twenty days of April, 1866, and annually thereafter, pay to the Comptroller a tax of two per cent. upon the gross amount of all express charges, made by or paid to, such company within the limits of this State, between the 1<sup>st</sup> day of October, 1865, and the 1<sup>st</sup> day of April, 1866, and each succeeding year, and the payment of such tax shall be in lieu of all other taxes upon the capital stock or other property of said express companies exclusively employed in its express business; Provided, however, That whenever any such company shall fail to make the returns and payment required under this section, such defaulting company shall be held liable to an additional tax of fifty pre cent.; and provided, also, That the Comptroller is authorized to accept from such company the sum of five thousand dollars in lieu and full satisfaction of the tax then due under this section from such company.

Express companies.

Tax per cent in express charges.

Proviso.

SEC. 8. *Be it further enacted,* That it shall be the duty of the Comptroller, and he is hereby required as early as practicable after the passage of this act, to cause to be prepared a supply of adhesive stamps of the respective denominations of one dollar, and two dollars each, to be printed in separate colors, similar to those in use by the United States, and to bear in appropriate device and the words, "State of Alabama- tax on seals"- "one dollar," or "two dollars," as the case may be, and it shall be his duty as soon as the stamps aforesaid have been prepared ready for use, to give public notice to that effect to all

Comptroller to prepare st'ps.

officers required to employ said stamps under the provisions of this act, and such officers are hereby required and

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directed to procure such stamps from the Comptroller as soon as practicable after the publication of such notice, in such sums as they may deem necessary; and the Comptroller shall sell the stamps aforesaid to such officers, and to no other persons, upon the payment by them of the amount or value such stamps represent; Provided, however, That any officer purchasing stamps as aforesaid, in the aggregate amount of fifty dollars and upwards at any one time, shall be allowed a deduction of five per cent. upon the amount or value thereof.

Proviso.

Officers to use officiating stamps.

SEC. 9. *Be it further enacted*, That it shall be the duty of each notary public, probate judge, commissioner for other States, clerk of circuit court, clerk of city court, register in chancery, or other public officer, that may be required to employ a seal, by the laws of the State, to firmly affix, or cause to be affixed, one adhesive stamp, provided for in the preceding section, of this act, of the value of one dollar, upon each official impress of the seal of such notary public, probate judge, commissioner for other States, clerk of circuit, clerk of city court, register in chancery, or other public officer; and the officer affixing the stamp as aforesaid, shall proceed to cancel the same by writing or stamping his signature and the date across the face of said stamp; and such stamp shall be considered as part and parcel of the official seal of such officer, without which stamp said seal shall not be valid, and such officer shall be authorized to collect the value of said stamp from the party for whose use or benefit the same may be employed; Provided, also, That until the stamps directed in the preceding section can be prepared and furnished by the Comptroller, a tax of the value or amount of each stamp required in this and the next following section shall be collected by the proper officer in lieu of the stamps aforesaid, who shall make full monthly returns and remittances to the Comptroller therefor.

Clerk of Sup. Court and Sec'y of State to use stamps.

SEC. 10. *Be it further enacted*, That it shall be the duty of the clerk of the Supreme Court, Comptroller and Secretary of State of the State of Alabama, to affix or cause to be affixed, one adhesive stamp, as provided for in section eight of this act, of the value of two dollars, upon each official impress of the seal of the Supreme



Court and of the seal of the State as aforesaid, and the officer affixing said stamp shall proceed to cancel the

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same in like manner, and shall be subject to all the provisions and regulations set forth in the section next preceding, so far as the same may be applicable.

SEC. 11. *Be it further enacted,* That there shall be assessed and collected on all distilleries employed in the distillation of grain within the limits of this State, a tax of two dollars per gallon upon the capacity of the still employed, to be paid to the probate judge of the county in which said still is located, before it shall be lawful for any person to engage in distillation as aforesaid, upon which payment the probate judge shall issue his license for one year, and a tax of fifty cents per gallon on every gallon of spirits distilled as aforesaid, full returns of which shall be made every three months, under oath, and payment made to the probate judge of the county where said still is located; and in default of such returns and payment within fifteen days after the time when the same became due, it shall be the duty of the probate judge, or in case of his failure, of the county assessor, to make an assessment of the quantity distilled during the period of such default, according to the best information he can obtain, and shall collect an additional tax of fifty per cent. upon the amount of such default, one half of which additional tax shall go to the probate judge or county assessor, as the case may be, and the other half to the State, and for neglect of duty in assessing and collecting the taxes assessed under this section, the probate judge shall be liable to the State in the full amount of said tax.

Distilleries.

50 cents per gallon charged.

Penalty for default.

SEC. 12. *Be it further enacted,* There shall be assessed no taxes upon the capacity of distilleries, exclusively used in the distillation of fruit; but fifty cents per gallon upon each and every gallon of brandy or prof spirits distilled as aforesaid shall be assessed, full returns of which shall be made and payment made like manner, an din accordance with the provisions of the preceding section, and the probate judge shall be liable to the same penalties in case of neglect as therein provided; Provided, That if any owner of any still not taxed shall use any grain of any kind, to product spirituous liquors of any kind, will be guilty of a misdemeanor, and shall, on conviction, be fined in a sum not less than five hundred dollars.

Capacity of distillery not taxed.

SEC. 13. *Be it further enacted,* That before it shall

Tax on liqu'rs

lawful for any dealer or dealers in spirituous liquors to offer ay such liquors for sale within the limits of this

br' ght into the State.

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50 cents per  
gallon on liq'rs.

State, such dealer or dealers introducing ay such liquors into the State for sale, shall first pay the tax collector of the county into which such liquors are introduced a tax of fifty cents pre gallon upon each and every gallon thereof; Provided, however, That any such liquors distilled in, or re-sold in the State, having paid one such tax, shall not be liable to any tax on the re-sale; Provided, also, That alcohol employed for medicinal or manufacturing purposed, shall be exempted from the operation of this section.

Liquor vend-  
ers to take oath.

SEC. 14. *Be it further enacted*, That it shall be the duty of every vender, owner or consignee, with power of sale, of spirituous liquors, bringing any such liquors into the State for sale, to make full returns under oath of each and every gallon of such liquors received for sale, to the tax collector of the county into which the same may be brought, and to pay the taxes thereon prescribed in the 13<sup>th</sup> section of this act, before offering the same for sale; and for every case of failure to make such returns and payment as afore-said, such vender, owner or consignee shall pay an additional tax of fifty per cent.; and in case of a fraudulent return, shall be guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than one thousand dollars, or imprisonment for not more than three years, at the discretion of the jury trying the case.

Penalty.

Collector to  
see that liquor  
tax is paid.

SEC. 15. *Be it further enacted*, That it shall be the duty of the tax collector of any county into which spirituous liquors may be brought or offered for sale and returns have not been made to him therefor, as provided in the 14<sup>th</sup> section of this act, to ascertain whether all such liquors have paid the taxes prescribed by the 12<sup>th</sup> section of this act; and for this purpose he shall examine the vender under oath, who shall show to the satisfaction of the collector that such tax has been paid on all liquors in his possession or sold by him, and failing to do so, such vender shall be liable for the tax on the same and an additional penalty of fifty per cent.

Penalty.

CHAPTER II

TAX YEAR, TERMS, &C.

Date of as-

SEC. 16. *Be it further enacted*, That all property shall be given in by and assessed to the person, company, cor-

essment.

poration, partnership or association, owning or having in

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possession the same, on the first day of March, preceding the assessment.

SEC. 17. *Be it further enacted*, That all incomes, gross receipts, profits, salaries and sales, shall be estimated for the year ending on the thirty-first day of December last preceding the assessment except wherein otherwise provided, but the first assessment made under this act, shall embrace incomes, gross receipts, profits, salaries or sales, between the first day of October, 1865, and the 31<sup>st</sup> day of December, 1866, and thence annually thereafter.

Period within which incomes to be estimated.

SEC. 18. *Be it further enacted*, That the assessment shall not be commenced until the thirty-first day of March in each year, and shall be finished by the first day of September following.

SEC. 19. *Be it further enacted*, That the collection of taxes shall not commence before the first day of October in each year, unless in cases where parties owing taxes are about to remove from the State, and shall be closed as early after the first day of January following as possible, and positively by the next first day of March.

Period for assessment.

SEC. 20. *Be it further enacted*, That the commissioners' court in each county shall hold regular terms on the third Monday in February, and on the first Monday in September of each year, besides two other terms, to be held as may be by law required or allowed.

Time for collection.

CHAPTER III.

DUTIES OF TAX PAYERS.

SEC. 21. *Be it further enacted*, That it shall be the duty of all persons liable to taxation in each election precinct, upon notice given by the assessor, as hereinafter provided, to attend at the time and place designated in such precinct, and render to the assessor in writing a complete list of all the items upon which they are liable to be taxed, from which list the assessor shall make out the assessment, and the tax payer shall subscribe an affidavit thereon that such assessment contains a correct list of his, her, or their taxable property to the best of their knowledge and belief.

Tax payers to attend meetings.

SEC. 22. *Be it further enacted*, That if the owner of any taxable property within a county, residing out of the county, or is, by reason of any infirmity or disability, un-

Persons who may send list.

able to attend the appointment of the assessor, or is a

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Other duty or  
tax payers.

female, such person may send the list required in the last section by another person, and if such list be satisfactory to the assessor, such other person may subscribe the assessment for the tax payer.

SEC. 23. *Be it further enacted*, That any tax payer failing to make return of any taxable property to the assessor at his appointment, may make return of the same to him at his office by the fifteenth day of May following, after which time it shall be the duty of the assessor or his deputy to call upon the tax payer for a list, which the tax payer shall furnish in the next fifteen days.

Appointment  
of collector to  
be attended.

SEC. 24. *Be it further enacted*, That it shall be the duty of tax payers in each election precinct within their county to attend the appointments of the tax collector as advertised for their precinct, and pay the taxes due by them to the State and county, together with any special or other tax, authorized by law, and in case of failure so to attend or sent an agent, may pay their taxes to the collector at any time before the fifteenth day December in such year.

Persons to be  
reported.

SEC. 25. *Be it further enacted*, That it shall be the duty of every tax payer to report all new comers in his county, within his knowledge, to the assessor; such other persons have been assessed, who he believes to be about to leave the county without paying his taxes to the tax collector, and any person who is engaged in any business for which he has not, but should have procured a license, to the probate judge.

#### CHAPTER IV.

#### ELECTION, BOND , DUTIES AND POWERS OF TAX ASSESSOR.

Election of  
assessors.

SEC. 26. *Be it further enacted*, That the tax assessor elected in each county on the sixth day of November, 1865, is hereby declared to be the duly elected assessor for the time for which he was elected, and that the tax assessor in each county shall be elected by the legally qualified voters of the county, on the first Monday of August, 1867, and every two years thereafter.

SEC. 27. *Be it further enacted*, That before entering upon the duties of his office, the assessor shall execute



Assessor to  
give bond.

his bond with security in the sum of two thousand dollars,  
payable to the State of Alabama, and conditioned faith-

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fully to discharge the duties of his office as tax assessor, which bond shall be approved by the probate judge of the county, and executed in duplicate parts, one of which must be filed in the office of the probate judge and the other by the assessor in the office of the Comptroller of the State.

SEC. 28. *Be it further enacted*, That the assessor shall give at the least fifteen day's notice, by bills posted at three or more public places, in each election precinct, or twenty day's notice in some newspaper published in the county, of the time and place in each election precinct that he will attend to assess the taxes.

Assessor to give notice.

SEC. 29. *Be it further enacted*, That upon the failure of the assessor to attend any appointment made by him in any precinct, he shall, after legal notice, or at his option forfeit all claims to fees from such persons in such precincts, as were disappointed by his non-attendance as assessor.

Effect of failure to give notice.

SEC. 30. *Be it further enacted*, That the taxable property of each tax payer, shall be entered by the assessor upon a blank assessment list in the form of an account which will show the number, amount or value of each item upon which they are liable to pay taxes, the amount of tax thereon extended, and the total amount of tax due by such tax payer. The tax payer shall sign an affidavit thereon, and it shall be dated and attested by the assessor.

Mode of assessment.

SEC. 31. *Be it further enacted*, That after the fifteenth day of May in each year, the assessor shall make a personal demand upon delinquent tax payers, wherever he may find them, for lists of taxable property, and when unable to find them, he may leave a written notice at the residence of such delinquent tax payer, and it shall be the duty of all such delinquents within the next fifteen days to make return to the assessor at his officer or to his deputy whenever he may be found.

Delinquents.

SEC. 32. *Be it further enacted*, That having failed to procure from any delinquent a list of taxable property before the first of August, the assessor shall ascertain from enquiry of otherwise, the property and other items of taxation upon which such person is liable to be taxed to the best of his information and judgment, and assess a double tax upon the same.

Duty of assessor respecting delinquents.

SEC. 33. *Be it further enacted*, That whenever the assessor shall discover persons who, or property which

have escaped taxation in previous assessments, he shall assess the taxes thereon for such years as such persons or

To assess for arrears of taxes.	<p>property have escaped taxation, and where he has reason to believe that any person who has been assessed is about to leave the county, he shall at once notify the tax collector, and on the failure of the tax collector to act, he shall collect the taxes of such person and pay the same over to the tax collector, taking his receipt therefor.</p>
To summon witnesses.	<p>SEC. 34. <i>Be it further enacted</i>, That the better to enable the assessor to comply with the requirements of paragraph second, section second, of this act, he shall be empowered to summon witnesses to appear before him at such time and place in the precinct in which the real estate is located, as he may designate, to testify upon oath which oath the assessor may administer) as to the value of any real estate, of which he may be otherwise unable to form a judgment.</p>
Sheriffs' fees.	<p>SEC. 35. <i>Be it further enacted</i>, That the sheriff or any constable of the county shall serve such summons, for which he shall receive out of the county treasury, upon the certificate of the assessor, on order of the commissioners' court, such compensation as is by the law allowed for summoning other witnesses.</p>
Assessor may summon witnesses.	<p>SEC. 36. <i>Be it further enacted</i>, That the assessor may himself summon, instant, any person as witness, to testify upon oath, as to the correctness or fairness of any assessment of which he may have reason to suspect the truth or fairness.</p>
Assessments to be entered in a book.	<p>SEC. 37. <i>Be it further enacted</i>, That the assessment provided for in section thirty shall be entered in a book, suitably ruled and substantially bound, which book shall show, in separate columns, the names of the persons assessed in each precinct in alphabetical order, the number of acres of land assessed to each person, the value of the same, together with any other real estate, the number, amount, or value of any other species of taxable property, the amount of tax on each item, the amount of tax against each person, the amount of the term per cent. penalty (hereinafter provided for) total amount of each item, and the tax thereon for each page and precinct, and the whole number, amount and value of each separate item entered therein, the aggregate amount of taxes thereon, and the total amount of the assessment for the county, which book of assessment shall be delivered to the probate judge of the county by the first Monday of September.</p>

SEC. 38. *Be it further enacted,* That whenever the commissioners' court of any county, at the last term in

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any year, shall deem that the revenue would be augmented thereby, the probate judge shall order the assessor at his next assessment, in addition to the ordinary duties of his office, to make out a list of all the lands in such county, in a book properly ruled and bound, beginning with the lowest section, township and range, and proceeding in numerical order to the highest, setting opposite to each division or subdivision of section, the name of the owner thereof; and when the owner is not known, these words, "owner unknown," and he charge up the owner unknown in the assessment book, as to an individual the taxes upon such lands; such statement, or list may be included in the same volume with the assessment of tax.

List of lands.

SEC. 39. *Be it further enacted,* That tax assessors shall be authorize to appoint a deputy, and the acts of such deputy in his capacity as such shall be recognized as the act of the assessor; Provided, however, that the assessor shall be responsible for any loss sustained by any tax payer by reason of any unlawful act or assessment of such deputy, and that such deputy shall receive no compensation for his services out of the county or State revenue.

Assessor may appoint deputy.

SEC. 40. *Be it further enacted,* That the assessor is authorized to purchase or contract for the books, stationery and printing necessary to carry out the provisions of this act, and the commissioners' court shall order payment for the same.

Assessors entitled to books.

CHAPTER V.

COMPENSATION OF ASSESSORS

SEC. 41. *Be it further enacted,* That the assessor shall be entitled to receive from the tax collector out of the first moneys received for the State, giving duplicate receipts therefor, the following commission upon the amount of State taxes assessed by him, to-wit: on the first five hundred dollars, ten per cent.; on the next five hundred dollars, five per cent; on the next one thousand dollars, two and one half per cent; upon the amount of taxes assessed upon property which has escaped taxation in previous assessments, twenty per cent.; and on the balance, two per cent.; and he shall also receive from the tax collector one half of the above rates of commission-

Assessors commissioners.

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Additional pay.	upon the amount of county taxes, giving duplicate receipts therefor. SEC. 42. <i>Be it further enacted</i> , That the assessor shall receive for the labor required of him by Sec. 38, out of the county treasury, the sum of one hundred dollars.
Pay from de- linquents.	SEC. 43. <i>Be it further enacted</i> , That for making the demand or giving the notice required by section 31, the assessor shall be entitled to charge each delinquent tax payer, if paid at the time, fifty cents, or if not paid at the time, one dollar, to be charged upon the assessment of such delinquent, which the tax collector shall collect as other taxes, and pay over to the assessor.
CHAPTER VI.	
ELECTION, BOND, DUTIES AND POWERS OF TAX COLLECTORS.	
Election of collectors.	SEC. 44. <i>Be it further enacted</i> , That the tax collector elected in each county on the 6 <sup>th</sup> day of November, 1865, is hereby declared to be the duly elected tax collector for the term for which he was elected, and that the tax collector shall be elected by the legal voters of each county on the first Monday in August, 1867, and every two years thereafter.
Vacancy, how filled.	SEC. 45. <i>Be it further enacted</i> , That when a vacancy occurs from any cause, the commissioners' court shall fill such vacancy as soon as a special term of said court can be called for that purpose, or at a regular term thereof.
Collector to give bond.	SEC. 46. <i>Be it further enacted</i> , That before entering upon the duties of his office, the tax collector shall give bond in double the probable amount of the taxes of the county, to be determined by the judge of probate of the county, which must be executed in duplicate parts, approved by such judge, one part to be filed and recorded in his office, and the other to be filed by such tax collector in the office of the Comptroller of Public Accounts.
Bond a lien in favor of State.	SEC. 47. <i>Be it further enacted</i> , That such bond shall operate from its execution as a lien in favor of the State or county on the property of such tax collector for the amount of any judgment which may be rendered against him in his official capacity for State or county taxes, and on the property of his securities from the date of his default.

Notice by collector.

SEC. 48. *Be it further enacted*, That the tax collector shall give at least fifteen days' notice, by bills posted at



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three of more public places in each election precinct, or twenty days' notice in some newspaper published in the county, of the time and place in each precinct that he will attend for the purpose of receiving the taxes.

SEC. 49. *Be it further enacted,* That upon the failure of the collector to attend any appointment made by him in any precinct, he shall, at his option, after legal notice, fill a new appointment for such precinct, or forfeit all claims to fees from such persons in such precinct as were disappointed by his non-attendance as collector.

Effect of non-attendance.

SEC. 50. *Be it further enacted,* That he shall proceed at such appointments to collect the taxes provided for in this act, together with the county tax and such other special taxes, forfeitures and fees as may be by law required of him to collect, receipting for the same upon the original assessment, which he shall deliver to the tax payer.

To collect taxes at meeting.

SEC. 51. *Be it further enacted,* That after the fifteenth day of December in each year, the collector of is authorized deputy shall make a personal demand upon delinquent tax payers wherever they may be found for the amount of their taxes and costs, and when unable to find them, shall leave a written notice at the place of residence of such tax payers, and it shall be the duty of such delinquents within the next fifteen days to make payment in full of their taxes, forfeitures and fees to the collector or his deputy.

Delinquents.

SEC. 52. *Be it further enacted,* That it shall be the duty of the collector, while engaged in the collection of taxes, to assess the taxes of all persons who have escaped the tax assessor, entering up all such assessment in the back part of the books of assessments for each year.

Collector to assess in certain cases.

SEC. 53. *Be it further enacted,* That the collector shall enter in a book which he shall keep for the purpose, a list of all such tax payers as become liable to the forfeiture hereinafter imposed, for failure to render lists of their taxable property by the fifteenth day of May, and to pay the same by the fifteenth day of December, the amount of such forfeiture, and the total amount of forfeitures for the county, to the correctness of which he shall make oath before the probate judge, on or before the first day of March, in each year, and he shall settle with the county treasurer and assessor by the same.

List of delinquents to be kept.

SEC. 54. *Be it further enacted,* That during the first When to ac-  
week of January in each year, the tax collector shall ac- count-

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count to the Comptroller for the whole amount of State taxes by him collected up to that date, first deducting the commissions and fees allowed him by law; and on or before the first day of March following, he shall make a final settlement with, and pay over to the Comptroller, the balance of the taxes due from his county.

SEC. 55. *Be it further enacted*, That after the first day of January in each year, the tax collector shall proceed without delay to levy upon any personal property of delinquent tax payers (and no property shall be exempt from sale for taxes,) and after ten days' notice, at three or more public places in the precinct in which such delinquent resides, shall sell the same at the place of voting in such precinct or so much as may be sufficient to satisfy the taxes, forfeitures, fees and costs of such sale; Provided, the tax payer may at any money before the sale, pay the taxes, &c., and thereby release his property; and provided further, that no personal property sold for taxes shall be subject to redemption except at the option of the purchaser.

SEC. 56. *Be it further enacted*, That where no personal property can be found, the tax collector shall, after the fifteenth day of January, levy upon real estate of any delinquent tax payer, and such as has been assessed to "owner unknown: and taxes remaining unpaid, and after three weeks' notice by bills posted in three public places in the precinct where such real estate is located, and at the court house door, or by three insertions in any weekly newspaper in the county, such advertisement describing concisely such real estate, shall proceed to sell the same to the highest bidder for the taxes, forfeitures, fees and costs.

SEC. 57. *Be it further enacted*, That the tax collector shall report to the commissioner's court at the February term in each year, on oath, a list of persons out of whom he has been unable to make the taxes which shall be termed "List of Insolvencies," and also a list of such persons as have been overcharged by the assessor; which shall be termed "List of Errors in Assessment," and such court shall give him credit for the amount of county taxes due thereon. The probate judge shall certify such list to the Comptroller, who shall allow the collector credit on his final settlement for the amount of taxes due the State thereon.

When to levy.

Proviso.

Levy upon real estate.

To report a commissioners' court.

SEC. 58. *Be it further enacted,* That immediately after the sale, provided for in section fifty-six, the tax collector

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shall make out and deliver to each purchaser of real estate at such sale, a certificate of purchase, which shall show a description of the real estate, that such real estate was assessed by the assessor, to whom assessed, the date of the assessment, for what year the taxes were due, the amount of the taxes due thereon, the forfeitures, fees and costs, that it was advertised, and how long it was offered for sale and what time, who became the purchaser, and at what price.

Certificate of purchase to be issued.

SEC. 53. *Be it further enacted,* That when such real estate shall fail to demand a bid sufficient to cover the taxes and costs, the collector shall bid off the same in the name of the State of Alabama, and make a certificate of purchase to the State, and deliver the same to the Comptroller on his final settlement.

What to be done on failure of demand by real estate.

SEC. 60. *Be it further enacted,* That the collector shall, within five days after the sale of any real estate for taxes, make out and deliver to the probate judge of his county, a statement of such sale upon oath, showing in appropriate columns the description of the real estate, to whom assessed, the amount of taxes for which it was sold, the aggregate, amount of forfeitures, fees and costs, by whom purchased, the amount of purchase money, and the day of sale, which statement must be put upon record by the probate judge in the record book of deeds, which record shall be free for the inspection of all persons.

Duty of collector.

SEC. 61. *Be it further enacted,* That no sale of personal property or real estate for taxes is invalid, on account of the same having been assessed to any other than its owner, if such real estate were in other respects sufficiently described, and the taxes, costs and expenses were unpaid at the time of the sale.

Cases in which sale of personal property not in-

SEC. 62. *Be it further enacted,* That it is illegal for any tax assessor, collector or judge of probate in the county in which any real estate is sold for taxes, to bid at such sale, either directly or indirectly, except as provided in section fifty-nine of this act.

Persons prohibited from bidding.

SEC. 63. *Be it further enacted,* That whenever the proceeds of the sale of any property for taxes shall amount to more than the taxes and other charges against the same, the collector shall deposit such excess with the county treasurer, taking separate receipts for the overplus in each case.

Excess of taxes.

SEC. 64. *Be it further enacted,* That whenever the former owner of any property sold for taxes shall apply to

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Property sold  
for taxes.

the tax collector for the excess of purchase money, the collector shall deliver to him the receipt for the same, which he shall present to the county treasurer for payment.

Gold and silver.

SEC. 65. *Be it further enacted*, That the tax collector in each county shall pay into the State Treasury all gold and silver coin received by him for taxes.

Duty of collector.

SEC. 66. *Be it further enacted*, That it shall be the duty of any tax collector, whenever upon information or otherwise, he has reason to believe that any person owing taxes to the State, is about to leave or remove his property from the county or State, and that the State is in danger of losing such taxes— to make out a bill showing the amount of taxes for which such person is liable, which bill shall be certified by him, and such certified bill shall operate as a writ of *feri facias*, and he shall proceed to collect the same by levy and sale. and the same proceedings shall be had thereon, and the same fees shall be allowed as are allowed upon proceedings on writs of *feri facias* by the sheriff.

## CHAPTER VII.

### COMPENSATION OF COLLECTORS.

Commission of collector.

SEC. 67. *Be it further enacted*, That the tax collector shall be entitled to commissions to be allowed by the Comptroller on his settlements in January and February upon the amount of State taxes collected by him, as follows: on the first five hundred dollars of State taxes, ten per cent., on the next five hundred dollars, five per cent., on the next thousand dollars, two and one half per cent., on the amount of taxes by him assessed, twenty per cent., and on the balance, two per cent., and he shall be authorized to retain the same rate of commissions out of the county taxes.

The same.

SEC. 68. *Be it further enacted*, That the collector shall receive eight dollars, and at that rate for every hundred miles traveled, in going to and returning from the seat of government for the purpose of making his returns and paying the taxes, twice in each year, by the nearest public route of travel.

SEC. 69. *Be it further enacted*, That for making the

Additional demand or giving the notice required by section fifty-one, compensation. the collector shall collect for his own use, in addition to



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the tax, seventy-five cents; and for making a levy and sale, the collector shall be entitled for each, to one dollar.

SEC. 70. *Be it further enacted*, That for advertising, he shall charge for every section or fractional part of a section so advertised, one dollar, and for making the certificates required in sections fifty-eight and fifty-nine, to be paid by the grantees, one dollar each.

The same.

CHAPTER VIII.

DUTIES AND POWERS OF PROBATE JUDGES AND COMMISSIONERS' COURTS IN MATTERS OF REVENUE.

SECTION 71. *Be it further enacted*, That the commissioners' court of each county shall on the first Monday of September in each year, examine the books of the assessor and the original assessment, and in case errors are found, shall require the assessor to enter the necessary correction plainly upon the book, and upon the original assessment; and the book so corrected shall be deemed the original assessment book, and shall remain in the custody of the probate judge as a book of record, and the original assessments as taken and attested by the assessor and so corrected shall be delivered to the tax collector for collection.

Commissioners' Court to examine assessment books.

SEC. 72. *Be it further enacted*, That if the performance of the duty imposed by the preceding section shall require more than three days, the judge of probate and one commissioner, aided by the assessor, shall be competent to continue such examination and revision.

Authority to continue examination

SEC. 73. *Be it further enacted*, That the commissioners' court at such term shall determine and order the rate of per centage to be collected for county purposes upon the payment of State tax, as shown by the next assessment book; provided, however, that the county tax shall not exceed fifty per centage of the State tax, as aforesaid.

Per centage of county tax.

SEC. 74. *Be it further enacted*, That it shall be the duty of the probate judge and assessor in each county, during the September term of the commissioners' court, in 1866, to destroy all the tax lists heretofore taken; and the books of assessment for previous years, shall hereafter be deemed evidence of the contents of such lists.

Tax list to be destroyed.

SEC. 75. *Be it further enacted*, That on or before the first day of October, in each year, the probate judge in

Tax book to be forwarded to

each county shall make out and forward to the Comptroller

Comptroller.

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- a correct abstract of the new tax book, showing the total number, amount or value of each item of taxation contained therein, the aggregate tax on each time extended into a column, and the total amount by the addition of the sums so extended of the State tax due from the county, which abstract shall be made out and certified upon bland forms furnished by the Comptroller.
- Duty of probate judge. SEC. 76. *Be it further enacted,* That it shall be the duty of the probate judge in each county to issue and collect the money for such licenses, and to assess and collect such taxes as are provided for in sections third and fourth of this act.
- Probate judge to make quarterly returns. SEC. 77. *Be it further enacted,* That it shall be the duty of the judge of probate of each county in this State, under rules and regulations to be prescribed by the Comptroller of public account for that purpose, to make returns to the office of the Comptroller at least once in every three months, on oath, which returns shall show the amount of moneys received to date, on account of the State, for licenses or on any other account; such returns must show to whom and for what each license was granted, and the amount received therefor, the amount received from any other person and for what, and said return must be transmitted in duplicate to the Comptroller for the last, and at the commencement of every new quarter, or other period fixed by the Comptroller, and the Comptroller is authorized to require payment upon such terms as he may prescribe in circulars issued for that purpose, or by special directions, as he may think the best interest of the State requires. Provided, That he may authorize the monthly or quarterly report by judges of probate or any other officer holding public moneys in any bank located in or convenient to the county of such public officer, upon such terms as he may prescribe; Provided, That it shall be the duty of all judges of probate and tax collectors to report to the Comptroller of Public Accounts, from time to time, whenever the receipts of such office shall amount to the sum of one thousand dollars.
- Redemption of estate real estate. SEC. 78. *Be it further enacted,* That where any real estate shall be redeemed, it shall be the duty of the probate judge to enter in the records provided for in section sixty, opposite the tract or tracts redeemed, in columns

left for the purpose, the name of the person so redeeming  
the same and the amount of redemption money paid by

such person and the judge shall deposit such redemption money in the county treasury, and when the purchaser shall demand of the probate judge the amount of the redemption money, he shall give such purchaser an order on the treasurer for the same.

SEC. 79. *Be it further enacted*, That it shall be the duty of the probate judge in each county, by himself or agent, to enquire of every person doing or offering to do any business or thing for which a license is required, or a tax to be paid to him, and ascertain whether the law has been complied with, and it not, to cause such person to be bound over to court.

Duty of probate judge.

SEC. 80. *Be it further enacted*, That it shall be the duty of the probate judge in each county, on the first day of each circuit court, to furnish to the solicitor of the district a statement in writing, showing the licenses granted and the taxes received under sections third and fourth of this act, within the two years preceding such court, to whom and for what such license was granted; and from whom and for what such taxes were received.

The same.

CHAPTER IX.

COMPENSATION OF PROBATE JUDGES.

SECTION 81. *Be it further enacted*, That the probate judge shall be entitled to compensation for his services in connection with the revenue as follows:

Compensation of probate judge

1. For issuing any license, to be paid by person taking out the license, two dollars.
2. For making out abstract of tax book for the Comptroller, two dollars, to be paid out of the county treasury.
3. For making out the list required by section 80, two dollars, to be paid out of the county treasury.
4. For making record of tax sales, for each hundred words, fifteen cents, to be paid out of the county treasury.
5. For making the necessary entries in the redemption of real estate, for each entry, one dollar.
6. For making deed to purchaser of lands at tax sale, two dollars, to be paid by the grantee.

CHAPTER X.

REDEMPTION OF REAL ESTATE

SECTION 82. *Be it further enacted*, That real estate sold under the provisions of this act and not purchased by the

<p>Redemption of real estate.</p>	<p>State, may be redeemed any time before the expiration of two years from the date of sale, by paying to the probate judge of the county in which said lands were sold, the amount of the purchase money, with interest thereon, at the rate of twenty per cent. per annum from the date of sale, cost of the certificate of purchase, all taxes on such land which have accrued subsequently to the sale, unless said taxes have been paid to the collector as may be shown by his receipt, and the sum of one dollar to such judge; but the real estate of any infant, married woman, or lunatic, when sold for taxes, may be redeemed upon producing satisfactory evidence of ownership, at any time within one year after such disability is removed, upon the terms above specified.</p>
<p>Redemption of lands.</p>	<p>SEC. 83. <i>Be it further enacted</i>, That lands purchased by the State for taxes, may be redeemed by paying the Comptroller at any time within two years after the sale, the amount of the taxes, cost, and expenses for which said land was sold, and the taxes accruing thereon to the time of redemption, and the sum of one dollar as a fee to the Comptroller; or if belonging to an infant, married woman, or a lunatic, on the same terms by producing satisfactory proof of ownership at any time within one year after the removal of such disability.</p>
<p>Not to include married women and lunatics</p>	<p>SEC. 84. <i>Be it further enacted</i>, That the provisions of the two preceding sections, in favor of minors, married women and lunatics, can in no case extend to the redemption of lands for a longer term than ten years from the date of sale.</p>
<p>Provision in case of redemption.</p>	<p>SEC. 85. <i>Be it further enacted</i>, That in each case of redemption under section eighty-two, the amount for which the lands were sold, the interest thereon, and the costs of the certificate of purchase, as in said section provided for, must be paid to the purchaser at the tax sale, his assigns or legal representatives by the county treasurer upon the production of the order of the probate judge.</p>
<p>Duty of Probate Judge and the Comptroller.</p>	<p>SEC. 86. <i>Be it further enacted</i>, That when any real estate is redeemed under the provisions of this chapter by the probate judge, if redeemed under section eighty-two, or the Comptroller, if redeemed under section eighty-three, must make out and deliver to the person redeeming, a certificate specifying the amount paid, the lands redeemed, as whose property such lands were sold, and the date of sale, which certificate is presumptive evidence</p>

of the facts thus set forth.



SEC. 87 .*Be it further enacted*, That the receipts of the redemption money for any tract of land by the purchaser, operates as a release of all claim to such tract under or by virtue of the purchase.

Receipt operates as release.

SEC. 88. *Be it further enacted*, That at any time after the expiration of two years from the sale of any real estate for taxes, if the same has not been redeemed, the probate judge of the proper county, on the production of the certificate of purchase and the payment of his fees for the same , must execute and deliver to the purchaser, his heirs or assigns , a deed of conveyance for the real estate described in the certificate or that portion which has not been redeemed, such deed must contain the same recital as the certificate of purchase, and the tracts of land sold as the property of the same person to the same purchaser at the same sale, may be included in the same deed.

Probate Judge to execute deed of conveyance.

CHAPTER XI.

COLLECTION OF TAX ON STEAMBOATS, &C.

SECTION 89. *Be it further enacted*, That the tax imposed by paragraph 13, sections 2, of this act, must be assessed and collected by the tax collectors of the counties of Mobile, Barbour, Coosa and Madison, or other counties where such steamboats, vessel or water craft may ply, or ply , or their authorized deputies or agents.

Steamboat tax.

SEC. 90.*Be it further enacted*, That such tax collectors must each year demand of the captain , clerk, or agent, or person in charge of said steamboat, vessel or water craft, if the taxes of the same have been paid, and on failure to produce a receipt therefor, by a tax collector, authorized by the preceding section , to collect such taxes must at once proceed to assess the same, and if not paid on demand, to seize such steamboat, vessel or water craft her tackle, apparel and furniture; and after twenty days' notice by bills posted in twenty public places of the county, and two weeks' publication in some newspaper in the county, shall proceed to sell the same, or so much thereof as wi pay the taxes and expenses for keeping and costs.

Demand to be made of captains, &c.

Boat may be seized.

SEC. 91. *Be it further enacted*, That if such steamboat,

Property of

vessel or water craft , with her tackle , apparel and furniture , or so much as is necessary , cannot be seized , the

Captian may be seized.

Disposition of surplus.	<p>collector must make the amount of the taxes assessed, and all costs and expenses, by seizure of and sale of enough of the real or personal property of the captain, owner clerk or agent of such steamboat, vessel or water craft, to be sold as other property of the same kind, for non-payment of taxes.</p> <p>SEC. 92. <i>Be it further enacted</i>, That the surplus of the sale provided for by the two preceding sections, over the amount of the taxes, expenses and costs, must be, by the tax collector, paid into the county treasury of his county, for the use of the owner, within five days after the sale.</p>
CHAPTER XII.	
MISCELLANEOUS PROVISIONS.	
Comptroller to instruct collectors.	<p>SEC. 93. <i>Be it further enacted</i>, That it shall be the duty of the Comptroller , on or before the fifteenth day of September in each year, to instruct the several tax collectors in the State by circular, what kind of funds shall be receivable for taxes, and if any at a discount, what rate of discount; and the tax collector shall be governed thereby and collect accordingly.</p>
Duty of Governor.	<p>SEC. 94. <i>Be it further enacted</i>, That the Governor, on receiving satisfactory evidence of the failure of any bank or the depreciation of any other currency receivable for taxes during the period for collecting taxes, must direct the Comptroller to issue circulars to the several tax collectors of the State, advising them of such failure or depreciation.</p>
How accounts of deceased collectors are settled.	<p>SEC. 95. <i>Be it further enacted</i>, That in case of the death of any tax collector , his executor or administrator, must, within two months after the grant of letters testamentary, or of administration, settle all of the unsettled accounts of such collectors with the Comptroller and pay into the State treasury all moneys received by such collector on account of the State, deducting therefrom all fees, commissions and allowances to which by law he is entitled.</p>
State has preference lien.	<p>SEC. 96. <i>Be it further enacted</i>, That on all property subject to taxation, the State has a preference lien against all persons for the taxes assessed , costs and expenses from the first day of September, in the year of the assessment. A lien is also created on all steamboats or other water</p>

craft for the amount required by law to be paid for a li-

cense to retail vinous or spirituous liquors on such steam-boat or water craft, to be enforced whenever such liquors are retailed by any person or any such boat or water craft with the knowledge or consent of the captain, without having first procured a license, as provided by law, and the tax collectors of the counties of Mobile, Barbour Coosa and Madison, and other counties where such vessel may ply, are required to enforce this lien in the same manner , and by the same proceedings as by this act authorized, for the collection of the tax on steamboats, which amount shall be collected for each offense.

SEC. 97. *Be it further enacted*, That for collecting the taxes on steamboats and other water crafts, and the license for retailing liquors upon the same, the collectors of the counties mentioned in the preceding section shall receive in addition to their other compensation , five per cent. upon the amount by them so collected.

Additional compensation.

SEC. 98. *Be it further enacted*, That the tax collector of Mobile county, must, after the time for commencing his annual collections, deposit at the end of every thirty days in the Bank of Mobile to the credit of the State Treasurer , the amount collected by him up to the date of such deposit, deducting therefrom the fees and allowances made him by law; taking triplicate receipts therefor, one of which he must forward within five days to the Comptroller of Public Accounts , one to the State Treasurer, and the other he shall keep as his own voucher.

Collector of Mobile county

CHAPTER XIII.

PENALTIES.

SEC. 99. *Be it further enacted*, That for failure to give notice required of the Comptroller , in section ninety-three he shall be deemed guilty of a misdemeanor, and fined not less than two hundred and fifty dollars.

Penalty upon Comptroller

SEC. 100. *Be it further enacted*, That summary judgments must be rendered in favor of the Comptroller of Public Accounts against the defaulters hereinafter named and their securities in the circuit court of the county in which such defaulter or his securities may reside , or to which they may have removed on ten days' notice.

Judgment in favor of Comptroller.

1. Against any officer required to use a seal, for the neglect or failure to affix the stamps required under sec-



tions nine and ten of this act, for twenty-five dollars for each offence.

2. Against any probate judge, for failing to comply with the requisitions of section seventy-seven, for not less than two hundred dollars.
3. For failing to make out and forward abstract, according to the requirements of section seventy-five, for not less than one hundred dollars.
4. For failing to furnish the statement provided for in section eighty, for not less than one hundred dollars.
5. Against any county treasurer for failing to pay over the excess of purchase money as provided in section sixty-four, to the former owner of any property held for taxes, for not less than two hundred dollars.
6. For failing to pay over the redemption money to purchasers where land or other property have been redeemed, as provided in section seventy eight for not less than two hundred dollars.
7. Against the county treasurers of Mobile, Barbour Coosa and Madison counties, or other counties for failing to pay over surplus of sale to the owner, as provided in section ninety-two , for not less than two hundred dollars.
8. Against any tax assessor for failure to comply with the requirements of section thirty-seven , for every ten days he so fails, for not less than fifty dollars.
9. For making up a false and fraudulent assessment, for each offence, for not less than one hundred dollars.
10. Against any tax collector for collecting more tax from any person than authorized by law, or justified by the assessmant, for each offense, not less than one hundred dollars.
11. For levying on the estate of any tax payer, when such tax payer owns personal property within the county, within the reach of such collector, for not less than twenty-five dollars.
12. For failing to make the statement provided for by section fifty-three within the time required for each week he so fails, not less than two dollars.
13. For not paying over surplus of sale, as provided for in sections sixty-three and ninety-two , for not less than one hundred dollars.
14. For violation of section sixty-five , for not less than two hundred dollars.

15. Against any probate judge , tax assessor or collect-



or, for violation of section sixty-two , for not less than one hundred dollars.

SEC. 101. *Be it further enacted,* That if any officer or person knowingly converts or applies any of the revenue of the State, or of any county thereof, to his own use or the use of any other person, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined not less than five hundred dollars, and imprisoned in the Penitentiary not less than one year, one or both, at the discretion of the jury trying the same.

Misdemeanor

SEC. 102. *Be it further enacted,* That if any officer or person upon whom ay duty is imposed by any section of this act, wilfully neglects to perform such duty, in case no other provision has been made for the punishment of such neglect, he is guilty of a misdemeanor, and shall be fined not less than twenty dollars, nor more than one hundred dollars, at the discretion of the jury trying the same.

The same.

SEC. 103. *Be it further enacted,* That any tax payer who shall knowingly render a false or fraudulent tax list for the purpose of defrauding the State, or his county, shall be deemed guilty of a misdemeanor, and fined not less than two hundred dollars , and be imprisoned not less than six months in the county jail.

Penalty for frauds.

SEC. 104. *Be it further enacted,* That any person failing to render a list of their taxable property to the assessor before the fifteenth day of May, in each year, shall be charged by the assessor in addition to his other taxes, ten per cent. upon the amount of the State taxes due by him not to amount to less than one dollar, which penalty the tax collector shall collect, as other taxes, paying one half to the assessor and the other half to the county treasury.

Penalty for failure to render list.

SEC. 105. *Be it further enacted,* That any tax payer who shall fail to render a list of their taxable property, within fifteen days after the personal demand or written notice , provided for in section thirty-one , shall be deemed guilty of a misdemeanor, and fined not less than ten dollars.

The same

SEC. 106. *Be it further enacted,* That any person failing to pay their taxes by the fifteenth day of December in each year , shall forfeit in addition to the taxes, ten per cent. upon the State taxes due by him , not to amount to less than one dollar; one half of which penalty the collector shall retain for his own use, paying the other half

The same.

into the county treasury.

The same.

SEC. 107. *Be it further enacted*, That any person summoned in accordance with the provisions of sections thirty-four or thirty-six who shall fail to attend , or refuse to testify , shall be deemed guilty of a misdemeanor , and shall be fined not less than twenty-five dollars.

Penalty for not obtaining license.

SEC. 108. *Be it further enacted*, That if any person does any act , or does any business for which a license is required to be taken out, or tax paid, under provisions of sections three and four, without having first taken out and paid for such license , or paid such tax, shall be deemed guilty of a misdemeanor and shall be fined double the amount of such license or tax so required by him.

Comptroller must have revenue laws published.

SEC. 109. *Be it further enacted*, That the Comptroller of Public Accounts must, without delay after the approval of this act, cause the same to be printed in connection with the act passed at the present session for securing taxes from transient dealers, in the number of copies sufficient for distribution.

Acts conflicting with this repealed.

SEC. 110. *Be it further enacted*, That all laws and parts of laws conflicting with the provisions of this act, and the act to secure taxes from transient dealers, be and the same are hereby repealed. Provided ,That this section shall not be construed to repeal any special acts heretofore passed in relation to taxes to be assessed in any county for special purposes, but the same shall continue in full force and effect.

Approved, February 22, 1866.

No. 2. ] AN ACT

For securing Taxes from Transient Dealers.

Who are transient dealers.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That any person or persons engaged in the sale of goods, wares, or merchandise, or any other articles of traffic, within the limits of the State, and who have commenced business since the first day of June, 1865, are declared to be transient dealers for all the purposes of this act.

SEC. 2. *Be it further enacted*, That any transient dealer or dealers now engaged, or who may hereafter become engaged in the sale of any description of goods, wares,

merchandize or any other article of traffic, in any location, within the limits of the State of Alabama , shall first procure license therefor, which license shall be issued for a period of not less than ninety days, and for all licences so issued shall be assessed and collected the sum of fifty dollars for licenses of the first class, and twenty-five dollars for licenses of the second class, and a like sum for every additional period of ninety days.

License for 90 days.

SEC. 3. *Be it further enacted*, That in addition to the license required by the second section of this act, a tax of one per cent. shall be assessed and collected upon the gross amount of all sales made since the first day of June, 1865, and hereafter to be made by such transient dealer or dealers, the returns of sales to be made every thirty days, under oath, to the assessor of State and county taxes and collected within ten days thereafter; and whenever the gross sales per month shall amount to two thousand dollars, and above , the license shall be of the first class, if under two thousand dollars of the second class. Provided , however, that any transient dealer or dealers continuing in any one location for a period of twelve months shall be considered as a permanent dealer or dealers, and any taxes paid by him or them under the provisions of this act , shall be allowed as a credit upon the regular State taxes that may be assessed against such dealer or dealers, under the general revenue laws of Alabama.

Taxes assessed and collected.

When transient dealers become perman't

SEC. 4. *Be it further enacted*, That if any parties taxed as transient dealers under the provisions of this act, shall declare the intention of becoming permanent dealers, and shall give a bond for the payment of the annual taxes to be assessed under the general revenue laws of Alabama upon permanent dealers , such dealer or dealers shall be relieved from the special taxes and licenses imposed by this act upon transient dealers.

The same.

SEC. 5. *Be it further enacted*, That it shall be the duty of the judges of probate to issue the licenses required under this act, for which the usual license fee may be charged and in default of the procurement of such license by any transient dealer or dealers within twenty days after the passage of this act, in the county in which such dealer or dealers are located, such deal or dealers shall be subjected to an additional tax of fifty per cent. upon the amount of such license; and the probate judge of the county must issue execution for the amount of

Judges of probate to issue li-

Additional tax imposed for default.

such license and additional tax, to be collected and re-

Regular assessors and collectors to act in transient cases.

turned as other executions from the Probate court, and one half of the additional tax, collected under this section , shall be paid to the informer thereof.

SEC. 6. *Be it further enacted*, That the monthly assessment and collection of taxes required under the third section of this act, shall be made by the regular assessors, and collectors of State and county taxes in the respective counties of the State , and upon the failure of any transient dealer or dealers to make proper returns, and payment of such taxes, within the time prescribed by this act, such dealer or dealers shall be subject to an additional tax of fifty per cent. to be assessed and collected in the manner prescribed for the assessment and collection of taxes under the general revenue laws of Alabama.

Approved , December 15, 1865.

No. 3.] AN ACT

To appropriate money to pay the expenses of the General Assembly.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of sixty thousand dollars, or

Appropriateso much thereof as may be necessary , be appropriated out \$60,000

of any money in the Treasury, for the payment of the members and officers, and defraying the current expenses of the present General Assembly of Alabama.

Approved, November 30, 1865.

No. 4.] AN ACT

For the Relief of John B. Walden, Solicitor for the 5<sup>th</sup> Judicial Circuit.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of five hundred and ninety-nine dollars and seventy-eight cents, be and the same is appropriated to pay the salary due from the State to J. B. Walden, as Solicitor of the 5<sup>th</sup> Judicial Circuit of the State, it being the amount due him as salary from

Appropriates \$599.78 cents. hereby

the thirty-first day of March, 1863, to the 25<sup>th</sup> day of  
November, 1865, and that the Comptroller be and he is

hereby authorized to draw his warrant on the Treasurer of the State for the payment of the same.

Approved, December 2, 1865.

No. 5.] AN ACT

To provide for the printing and distribution of the decisions of the Supreme Court.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter the Judges of the Supreme Court be, and they are hereby , authorized to contract for the printing and binding of the Reports of the Decisions of said Court; and, to this end, the Comptroller of Public Accounts must, upon the production of their certificate and order, draw his warrant on the State Treasurer, in favor of the person or persons with whom such contract may be made, for the price stipulated in such contract, not exceeding Three Thousand Dollars for each volume of said Reports.

Judges of Supreme Court authorized to contract for printing Reports.

SEC. 2. *Be it further enacted,* That the said Reports shall, in size of type, quality of paper and style of printing and binding, correspond in all respects with the late volume of "Alabama Reports, New Series;" and that each volume shall include all the cases decided at one term of the Court , in which written opinions were delivered and shall contain with the index, not less than eight hundred pages.

Style in which they are to be printed, and the number of pages in a volume.

SEC.3. *Be it further enacted,* That the Reporter of said Supreme Court shall be entitled to the proprietorship of the volumes reported by him, and have the exclusive right to sell the same for his own use, for the term of fourteen years ; but he shall not sell the same at a higher price than five dollars per volume, and shall deposit in the office of the Secretary of State, for the use of the State, two hundred copies of each volume, so soon as printed.

Reporter entitled to proprietorship of certain number of volumes.

SEC. 4. *Be it further enacted,* That of the volumes so deposited with the Secretary of State, it shall be his duty to transmit one copy to the Chief Executive of each State and Territory of the United States , requesting a copy of the Reports of its Judicial Decisions in exchange;

Distribution of Reports.



to distribute to the Governor of the State, to Judges of the Supreme Court , Chancellors, Judges of the Circuit and Probate Courts, and of all other Courts of Record except County Commissioners, Attorney General and Solicitors , one copy each ; to deliver to the Marshal of the Supreme Court six copies for the Library of said Court, and six other copies for the State Library; and to furnish five copies to each House of the General Assembly.

Repealing all other laws contravening its provisions.

SEC. 5. *Be it further enacted*, That all laws and parts of laws, contravening any of the provisions of this act, be and the same are hereby repealed.  
Approved, December 12, 1865.

No. 6. ]

AN ACT

To provide for the issue of State Bonds.

Authorizes issue of State Bonds.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Governor of the State of Alabama be, and he is hereby authorized to issue the bonds of the State for one million, five hundred thousand dollars, or such amount thereof as may be necessary to meet any deficiency in the Treasury: bearing interest at the rate not to exceed eight per cent. per annum for such as may be dollar bonds, and not exceeding six per cent. per annum for the sterling bonds; the interest to be paid semi-annually at such place as the Governor may direct, with coupons attached, and payable at the expiration of twenty years after the date of said bonds; renewable at the pleasure of the State.

Sums, and manner prescribed.

SEC. 2. *Be it further enacted*, That said bonds may be issue in such sums not less than one hundred dollars nor more than five thousand dollars each, as the Governor shall deem proper. They shall be signed by the Governor, Comptroller of Public Accounts and State Treasurer and shall have the Great Seal of the State affixed thereto. The coupons for interest shall be signed and numbered by the State Treasurer, or such person or persons as the Governor may appoint for that purpose; and the principal shall be payable at the Treasury of the State, or at such other place as the Governor may appoint for

that purpose. The said bonds may be transferred by delivery and the faith and credit of the State of Alabama are hereby pledged for the payment of interest on said bonds, as the same shall accrue, and for the payment of principal when the same shall become due under the provisions of this act.

SEC. 3. *Be it further enacted*, That the Governor may, from time to time, place said bonds in market and sell such an amount thereof as shall be required for the public service , and to meet the appropriations which have been or may be made by the General Assembly. To this end he may employ such agent or agencies as may be necessary for the purpose.

Disposition of when sold.

SEC. 4. *Be it further enacted*, That the Comptroller of Public Accounts must number , register and keep a correct account of all the bonds issued and disposed of under this act.

Accounts to be kept by

Approved December 15, 1865.

No. 7.] AN ACT

To authorize the issuance of execution on certain judgments without a revival of such judgments.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in all cases where judgments have been rendered in any of the courts of this State since the eleventh day of January, 1861, on which judgments no execution has been issued, it shall be lawful to issue execution thereon without a revival of such judgments; and such executions shall be as valid, to all intents and purposes, as if executions had been issued on such judgments before the expiration of one year from their rendition. Provided, however, that the existing line of any judgment or execution shall not be in any manner affected by this act.

Sci. fa dispensed with.

Proviso.

Approved, December 15, 1865.

No. 8.]            AN ACT

To authorize the Governor to furnish copies of the last returns of the assessments of taxes to the Probate Judges of the several counties in which the county records have been destroyed.

Governor to furnish copies of last assessment.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That upon the application of the probate judge of any county in this State, stating that the records of his county have been destroyed during the late war, it shall be the duty of the Governor and he is hereby authorized and required, to furnish to the said probate judge, at the expense of the State , a copy of the last returns of the assessment of taxes for said county deposited in the office of the Comptroller of Public Accounts.  
Approved, December 15, 1865.

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No. 9.]            AN ACT

To repeal an act entitled “An act in relation to the appointment of apportioners and overseers of public roads,” &c.

Repeals a certain act.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act entitled “An act to enable the court of county commissioners of this State to appoint overseers and apportioners of public roads, over the age of eighteen and under the age of sixty, be and the same is hereby repealed.  
Approved, December 15, 1865.

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No. 10.]            AN ACT

Ratifying and confirming the election of members to Congress from this State, held on the 6<sup>th</sup> day of November , 1865

SECTION 1. *Be it enacted by the Senate and House of*

Representatives of the State of Alabama in General Assembly convened, That the election of members to the House of Representatives of the Congress of the United States, from this State, held on the sixth day of November, 1865, be and the same is hereby ratified and confirmed, as fully and effectually as if held in strict conformity to law.

Election of Congressmen

Approved December 15, 1865.

No. 11.]

AN ACT

To obtain and preserve Records of Alabama soldiers.

Whereas, it is noble and customary in all civilized nations, to honor and perpetuate the memory of those who fall in the service of the State; and whereas, it is eminently just and proper, in the exercise of a natural and sacred affection for her brave sons, who surrendered their lives at her demand in the late war and respect for the services of those who went forth to battle at her command, that the State of Alabama shall cause to be preserved such authenticated memorials of them as it may be possible to obtain; and whereas, W. H. Fowler has in his possession a collection of written records and historical memoranda concerning Alabama soldiers, living and dead, invaluable to the people of the State, and which ought to be possessed by her for preservation in her archives; therefore

Preamble

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Governor be, and he is hereby authorized and directed to purchase and obtain from the said W. H. Fowler, the above described records and historical memoranda, paying to him therefor, the sum of three thousand dollars and to direct the Comptroller to draw his warrant upon the Treasurer of the State for said sum, in favor of the said W. H. Fowler, and the same shall be paid out of any moneys in the Treasury, not otherwise appropriated. And the said records, when so obtained shall be deposited in the archives of the State, as a perpetual memorial concerning her soldiers named therein.

Governor to purchase records from W. H. Fowler.

Approved December 14, 1865.

To give a Lien on the crop and stock for advances to assist in making the crop.

Lien on crop.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter, whenever advances in horses, mules, oxen or necessary provisions, farming tools and implements, or money to purchase the same, shall be made by any person or persons to any other person in this State, and the said advance shall be obtained by the latter to enable him or her to make a crop for the year then next ensuing and it shall be declared in a written note or obligation for the same, given by the person to whom such advance is made, that the same was obtained by him or her *bona fide*, for the purpose of making a crop, and that without such advance, it would not be in the power of said person to procure the necessary team, provisions and farming implements to make a crop, the advance so made or the amount thereof shall be a lien on the crop that year, and the stock furnished or bought with the money so advanced, and such lien shall have preference of all other liens, except that for the rent of the land on which the said crop may be made.

Lien must be recorded.

SEC. 2. *Be it further enacted,* That any person taking a lien on the crop for advances as set forth in the first section, shall have the same recorded in the office of the Judge of Probate of the county in which the person to whom the advance is made resides, within sixty days from the making of the same, and if he shall fail to have the same recorded, the said lien shall be considered lost and forfeited.  
Approved January 15, 1866.

To increase the Fees of Jailers in the State of Alabama.

Increase Jailers fees.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the jailors of the different counties of the State of Alabama, shall have and receive the following fees instead of the fees now allowed by law for like

services , to-wit: For victualling each white person, fifty cents per day, and for victualling each free person of color, forty cents per day.

Approved, December 15, 1866.

No. 14.]

AN ACT

Making Appropriation for necessary Fuel, Lights , Stationery and Servant hire, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of six thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated for the purchase and payment of the necessary stationery, fuel, lights and servant hire, and other necessary expenses, for the use of the General Assembly, and the officers of the several departments of the State Government at the Capitol, for the fiscal year, ending on the 30<sup>th</sup> day of September, 1866; and the Comptroller of Public Accounts is hereby authorized and required to draw his warrant on the State Treasurer from time to time, in favor of the Secretary of State, for the amount of accounts contracted and paid by him for the purposes herein specified, not exceeding in the aggregate the sum hereby appropriated; which accounts, with the receipts thereon endorsed, shall be produced and delivered by the Secretary of State to the Comptroller, and shall be filed as vouchers in the Comptroller's office.

Appropriates  
\$6,000

Approved December 15, 1865.

No. 15.]

AN ACT

To compensate Commissioners appointed to administer and register Oaths to Voters.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Commissioners appointed for the several counties of this State by His Excellency Lewis

Compensation  
to Commission-

E. Parsons, Provisional Governor of the State of Alaba-

ers to adminis-

ter oath.

ma, for the administration and registration of oaths to voters, be entitled to receive the same compensation for administering and registering oaths as Judges of Probate and Magistrates are now entitled to receive by law; and that the Comptroller of Public Accounts be authorized and required upon presentation of their claims, with satisfactory evidence of their correctness, to draw on the Treasurer for the same.

Approved, December 24, 1865.

No. 16.]

AN ACT

To provide more effectually for the Distribution of Food among the Destitute Families of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That for the purpose of aiding the receipt and distribution of provisions to the destitute families of this State, the Governor of this State is authorized and it is hereby made his duty to appoint a Commissioner, whose duty it shall be to aid the Assistant Commissioner of the Bureau of Refugees, Freedmen and Abandoned lands, in receiving and distributing the food which may be procured and furnished for distribution among the destitute families of this State.

SEC. 2. *Be it further enacted,* That the said Commissioner shall as soon as commissioned, enter upon the duties of his office as aforesaid, under the direction of the Governor, and in cooperation with the Assistant Commissioner aforesaid of the Bureau of Refugees, Freedmen and Abandoned lands, and it is hereby made his duty to report monthly to the Governor of this State, and to the next session of the General Assembly, upon the manner in which his duties have been discharged.

SEC. 3. *Be it further enacted,* That the said Commissioner appointed by this act, shall receive for his services a compensation at the rate of two thousand dollars per annum, payable quarterly out of the Treasury of the State, and in addition thereto, his necessary travelling expenses, which shall be paid upon the order of the Governor upon account state, out of any money in the Treasury not otherwise appropriated.

Governor to  
appoint Com-  
missioners.

When to enter  
on duty & what  
duties are.

Compensation  
of Commission-  
er.



SEC. 4. *Be it further enacted*, That the term of service of said Commissioner shall determine, when, in the opinion of the Governor of this State his services are no longer needed to carry out the objects of his appointment.

Term of office

SEC. 5. *Be it further enacted*, That the said Commissioner shall , before entering upon his office, give Bond with sufficient sureties to be approved by the Governor of the State, payable to the State of Alabama, and conditioned for the faithful discharge of the duties of his office, in such sum as the said Governor may prescribe.

Commissioner to give bond.

SEC. 6. *Be it further enacted*, That the traveling expenses of said Commissioner shall not exceed one thousand dollars, or at that rate, per annum.

Travelling expenses.

Approved, December 11, 1865.

No. 17.]

AN ACT

To prescribe the mode of Delivering Supplies furnished by the Government of the United States, to the Destitute of the State of Alabama.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be, and it is hereby made the duty of the Commissioner of this State, appointed to act in concert with the authorities of the United States, for the furnishing of supplies of provisions, &c., to destitute persons, wherever such supplies are received by him, to deliver the same to the most convenient point accessible by river or railroad , either in or near to the respective counties where such supplies are needed; and then the Court of County Commissioners of any county for which said supplies are intended shall have power to contract and pay for the transportation of the same from the point of delivery to such other place or places as it may indicate , for the use of the county, and may levy it special tax or issue county bonds or interest-bearing notes to pay for the same.

Mode of delivering supplies.

Approved, December 26, 1865.

No. 18.]

AN ACT

To authorize the substitution of lost records of judgments and decrees of Courts, and other records.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That if the record of any judicial proceeding, suit, judgment or decree of any Circuit or Chancery Court in this State, or any part thereof, has been or may hereafter be lost, burned, or otherwise destroyed, the same shall be substituted by order of such Court upon the best evidence that can be adduced of the same, and which shall be satisfactory to the Court of the former existence and contents of such judgment or decree, and when substituted, shall have the same force and effect of the original judgment or decree.

Substituting for  
lost records.

Notice of in-  
tention to sub-  
stitute.

SEC. 2. *Be it further enacted,* That the party proposing to make such substitution shall give the opposite party notice, which shall be executed at least ten days before the term of the Court at which such motion is proposed to be made, which notice shall state the Court in which the judgment or decree proposed to be substituted was rendered; the amount and date of the same as nearly as may be, and any payments, with the date thereof, which may have been made thereon, and which said notice shall be the basis of the motion in said cause.

Who to pay  
cost.

SEC. 3. *Be it further enacted,* That the costs of such motion shall be paid by the plaintiff where there is no defence, and where defence is made, by the unsuccessful party; and the fees of the Clerk and Sheriff for issuing and executing the notice shall be the same as for issuing and executing the summons and complaint, and the only final record shall be the order of the Court substituting the judgment or decree, which said order shall embrace the judgment or decree so substituted.

Appeal may to the  
be taken.

SEC. 4. *Be it further enacted,* That an appeal may lie upon any such judgment or decree of substitution as in other cases; and nothing in this act contained shall prevent said Courts from establishing or substituting any lost record, as heretofore they might or could do.

SEC. 5. *Be it further enacted,* That in case of the loss or destruction of the records of decrees, deeds and other

papers, required by the laws of this State to be recorded

in the office of the Courts of Probate, the Judge of such Court shall have the same authority as is conferred in the preceding sections upon Circuit and Chancery Courts , to establish and substitute such record of deeds, decrees and other papers; and all papers and deeds which may have been recorded in his office according to law , the record of which has been lost or destroyed , may be recorded anew, upon which said record said Judge of Probate shall also enter all such indorsements or certificates as may have been attached to said papers or deeds by the former recording officer; and said records, when so made, shall have the same force and effect as the original records which were lost or destroyed . And for the services herein directed , the Probate Judge shall receive such compensation, and which shall be paid in such manner , as the Court of County Commissioners may allow direct.

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Probate Judges may supply substitutes.

Validity of substitutes.

SEC. 6. *Be it further enacted*, That if, upon any such application to substitute as aforesaid, the applicant shall make affidavit that the defendant, or other persons interested in said application, is or are non-residents of this State, or that his, her or their residence is unknown , then the notice above required may be given by publication in some newspaper published in the county , and if no paper is published in the county, in any paper published in an adjoining county of the State, notifying the party or parties of the time and place of making such motion, for three successive weeks, so as to give thirty days' notice of the motion; and if any of the parties to such proceedings in the Chancery or Probate Courts are minors, the court must appoint a guardian *ad litem* to represent their interest.

Affidavit to be made.

Approved , January 18, 1866.

No. 19.]

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AN ACT

To fix the price of the Reports of the Supreme Court.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the volume of Reports of select cases of the Supreme Court of Alabama, which was last published , shall be sold at the price of three dollars; and the

Price of Supreme Court Reports.

reports on hand which were published previously , shall be sold at the price of five dollars per volume.  
Approved, January 18, 1866.

No. 20.] AN ACT

To renew and extend the time of payment of certain State Bonds therein named.

State Bonds extended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Governor of the State of Alabama, the Comptroller of Public Accounts and the State Treasurer be, and they are hereby authorized to issue State bonds, with the great seal of the State affixed, to be substituted for the extension of the State bonds heretofore issued by the State, payable in the year 1863 and 1865, which bonds, to be issued and substituted as aforesaid shall be payable at any time not beyond the first day of May, one thousand eight hundred and eighty-three; renewable at the pleasure of the State.

Bonds payable to Commiss'r

SEC. 2. *Be it further enacted,* That the bonds to be issued as aforesaid, shall be made payable to the Commissioner and Trustee to regulate the affairs of the State Bank Branches, and shall be transferred by him to the holders of the State bonds due in 1863 and 1865, as aforesaid, in lieu of the bonds maturing in those years, the interest thereon to be paid at such place or places as the Commissioner and Trustee and the holders of said bonds may agree.

Commission'r to sign coupons. Faith of State pledged.

SEC. 3. *Be it further enacted,* That the said Commissioner and Trustee be, and he is hereby authorized and required , to prepare and sign the necessary coupons for the extension of said bonds due in 1863 and 1865, and the faith and credit of the State of Alabama are hereby pledged for the payment of the interest upon said bonds as the same shall accrue , and for the payment of the principal when the same shall become due under the provisions of this act.

SEC. 4. *Be it further enacted,* That the Comptroller of Public Accounts shall number, register and keep a correct account of all the bonds issued and disposed of under this act.

Approved, January 18, 1866.

No. 21.] AN ACT

To continue the office of Commissioner and Trustee for closing any remaining unsettled business of the State Bank and Branches , and to provide for the payment of the foreign debt of the State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That John Whiting be, and he is hereby continued in the office of Commissioner and Trustee, to settle any remaining business of the State Bank and branches, and to provide for the payment of the foreign debt of the State and the interest thereon, with the same powers heretofore conferred upon him by law. Provided, he shall give bond and security , as heretofore provided by law, for the faithful discharge of his duties; and provided , further, that this act shall remain in full force for the period of one year from the approval of this act.

Jno. Whiting continued Commissioner.

SEC. 2. *Be it further enacted,* That the compensation of said Commissioner shall hereafter be at the rate of fifteen hundred dollars per annum, instead of the salary now fixed by law.

Compensation

Approved, January 23, 1866.

No. 22.] AN ACT

To authorize the Court of County Commissioners of the several counties in this State to contract for the hauling of supplies furnished by the Federal Government to Indigent Families.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the several Courts of County Commissioners in this State be, and they are hereby authorized and empowered to contract and pay for the hauling and transporting any and all supplies furnished their respective counties, by the United States Government, for the needy and indigent families, from any point where the same may be deposited by said United States Government.

Commissioners Court to have supplies transported.

Approved, January 23, 1866.

No. 23.]

AN ACT

To authorize Notaries Public to administer affidavits without seal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Notaries Public may administer affidavits and certify to the same without affixing thereto their National Seal, and receive therefor the same compensation allowed to Justices of the Peace.  
Approved, January 18, 1866.

Oath without Seal.

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No. 24.]

AN ACT

To amend Section 1902 of the Code of Alabama.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an amendment be made to Section 1902 of the Code of Alabama, by the insertion , at the end of such Section , the words following, to-wit: "And to employ laborers to cultivate, improve, keep in repair and carry on the plantation belonging to the estate," so that the said section shall read as follows, to-wit: "Section 1902. The Court of Probate may authorize the executor or administrator on application made and good cause shown, to keep the real and personal estate, or any portion of the same, together for any length of time such court may deem advisable, not exceeding ten years, and employ laborers to cultivate , improve, keep in repair and carry on the plantation belonging to the estate."  
Approved, January 18, 1866.

Amends Section 1902 of Code

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No. 25.]

AN ACT

To amend Section 1276 of the Code.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 1276 of the Code , which is in



words and figures following— “Section 1276. Acknowledgements and proofs of conveyances may be taken by the following officers within this State: Judges of the Supreme and Circuit Courts and their Clerks, Chancellors, Judges of the Courts of Probate, Justices of the Peace, and Notaries Public” — be, and the same is hereby amended by inserting therein the words “Registers in Chancery” after the word “Chancellors”

Amends Sec-  
1276 of Code.

Approved, January 23, 1866.

No. 26.]

AN ACT

To amend Section 1747 of the Code.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Section 1747 of the Code of Alabama, to-wit— “Such sale must not commence before the hour of twelve in the morning, or continue longer than five in the afternoon, and if not completed within those hours, may be continued from day to day” – be amended by striking out the word “twelve” where it occurs and inserting the word “eleven” in lieu thereof; also, striking out the word “five” where it occurs in said section , and inserting the word “four” in lieu thereof.

Amends Sec.  
1747 of Code.

Approved, January 18, 1866

No. 27.]

AN ACT

To fix the time for holding the general elections in this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the election for members of Congress of the United States, Governor of this State, Senators and Representatives of the General Assembly of the State Sheriffs, Judges of Probate, and other officers in the several counties of this State , who are elected by the people and Judges of the Circuit Courts, shall be respectively held at the time provided by law as in force on

Time of hold-  
ing elections

the eleventh day of January, eighteen hundred and sixty-one.

Approved, February 5, 1866.

No. 28.]

AN ACT

To provide for the safe keeping, distribution and exchange of the Supreme Court Reports.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the copies of the Supreme Court Reports belonging to the State shall hereafter be delivered to the Marshal and Librarian of the Supreme Court, who shall receipt for the same, and whose duty it shall be to make distribution and exchange of the Reports of the Supreme Court, as is now required by law to be done by the Secretary of State, and such books shall be in his custody, and he shall be responsible for their safe keeping.

SEC. 2. *Be it further enacted,* That it shall be the duty of such Marshal and Librarian to forward to the officers of the State the books to which they may be entitled, by mail or other safe conveyance, as soon as practicable after the delivery of such books to him, and the Comptroller shall pay to him on the certificate of one of the Judges of the Supreme Court, such postage or other necessary charges as may be incurred in the delivery of the books, or in the receiving of exchanges.

SEC. 3. *Be it further enacted,* That said officer shall keep a bok in which he shall show what books have been received and what delivered , or exchanged, and to whom the same were delivered or exchanged.

SEC. 4. *Be it further enacted,* That all copies of the Supreme Court Reports, now in the office of the Secretary of State, shall be by him turned over to the Marshal and Librarian of the Supreme Court, who shall keep the same and make distribution of them to such officers as may be entitled to them, or exchange them as the Secretary of State would be required to do under the present law, and it shall be the duty of the Secretary of State to turn over to him the books in such Secretary's office,

Distribution of  
Supreme Court  
Reports.

Mode of distri-  
bution changed.

Expense of  
distribution of  
be paid.

Secretary of  
State to transfer  
books.

showing what disposition has heretofore been made of Supreme Court Reports.

SEC. 5. *Be it further enacted*, That for the proper performance of the duties imposed by this act, the said Marshal and Librarian , with his sureties, shall be responsible upon his official bond.

Bond of Librarian.

SEC. 6. *Be it further enacted*, That the said Marshal and Librarian shall discharge his duties imposed by this act, under the direction of the Judges of the Supreme Court, who shall at all times have access to his books.

Approved, February 8, 1866.

No. 29.]

AN ACT

To reduce the salary of the Warden of the Penitentiary.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter the Warden of the Penitentiary shall receive as a compensation for his services, the sum of Twenty Five Hundred Dollars per annum, to be paid quarterly, and the salary of the Deputy Warden shall be Seven Hundred and Fifty Dollars per annum, payable quarterly.

\$2,500 salary

Approved, February 8, 1866.

No. 30.]

AN ACT

To repeal certain acts therein named to prevent the sale of spirituous liquors to free persons of color.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an act entitled "An Act to prevent the sale of spirituous liquors to free persons of color," approved February 9, 1852, and "An Act to prevent the sale of liquors to free negroes and for other purposes," approved February 8, 1861, be and the same are hereby repealed.

Act repealed.

SEC. 2. *Be it further enacted*, That the provisions of

this act shall have the effect to relieve any person from the penalties of said acts for violations thereof previous to the 1<sup>st</sup> day of May , 1865.  
Approved, February 8, 1866.

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No. 31.]                      AN ACT

To authorize the Governor to negotiate a temporary Loan for the use of the State.

\$290,000 au-  
thorized.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Governor, be , and he is hereby authorized and empowered to negotiate a temporary loan for the use of the State , of a sum not to exceed two hundred thousand dollars, upon the best terms and conditions, that he may be able to secure the loan, and may draw an order or orders on the Treasurer of the State , or may make such arrangements for its payment , as may be necessary, according to the terms of the contract for the loan.  
Approved , January 6, 1866.

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No. 32.]                      AN ACT

To provide adequate compensation to the Clerk of the Supreme Court.

\$1,000 for each  
6 months.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That whenever the income of the Clerk of the Supreme Court arising from the fees and perquisites of his office, received during any term of six months, shall not amount to the sum of one thousand dollars, the said Clerk shall be entitled to receive from the public Treasury such a sum as, when added to the amount received from fees and perquisites as aforesaid, will make his income equal to the sum of one thousand dollars, for each term or period of six months.  
SEC. 2. *Be it further enacted,* That it shall be the duty of the said Clerk, upon making application for such

additional compensation, to furnish to the Comptroller of Public Accounts a written account or statement , showing the amount of fees and perquisites received by him during the preceding term or period of six months, which account or statement shall be verified under oath, and approved by the Chief Justice of the Supreme Court, and filed with the Comptroller , and thereupon it shall be the duty of the Comptroller to draw his warrant on the State Treasurer for such a sum as when added to the amount received from fees and perquisites as aforesaid will make the compensation of the said clerk during the preceding term or period of six months equal to the sum of one thousand dollars, and the terms of six months shall be computed from the first of January and the first of July, in each and every year; and when the fees and perquisites received by the clerk during any period of six months as aforesaid , shall be equal to the sum of one thousand dollars, then, and in that case, no additional compensation shall be allowed.

Must show amount of fees.

Approval of Chief Justice required

SEC. 3. *Be it further enacted*, That the record books, blanks and stationery necessary to the office ,shall be furnished to the clerk of the Supreme Court in like manner as it is furnished to the other public offices in the Capitol.

Stationery furnished

SEC. 4. *Be it further enacted*, That this act shall take effect from first day of January , A. D., 1866.

Approved, February 10, 1866.

No. 33]

AN ACT

Authorizing the Courts of County Commissioners of this State to License and permit wounded and disabled soldiers in the late Confederate army, to peddle free of tax in their respective counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the several Courts of County Commissioners of this State, have power to grant a license to any disabled and wounded soldier in the late Confederate army , that said court of the county of the residence of said soldier may find worthy to peddle within the limits of said county , which said license shall exempt said sol-

Licenses to disabled soldiers.

direction from all tax, both State and county, which may be imposed by law upon peddlers in this State.

Approved, February 10, 1866.

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No. 34.] AN ACT

To establish the time of holding the Regular Annual meetings of the General Assembly of the State of Alabama.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the members of the General Assembly of the State of Alabama, shall convene in the city of Montgomery on the second Monday in November in each year.

Approved, February 16, 1866.

Assembly to meet 2d Monday in November.

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No. 35.] AN ACT

To increase the salaries of Chancellors and Circuit Judges.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the first day of January, eighteen hundred and sixty six, the Chancellors and Circuit Judges of this State shall each be entitled to receive an annual salary of three thousand dollars, payable quarterly as now provided by law.

Approved, February 19, 1866.

\$3,000 salary

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No. 36.] AN ACT

To regulate the cost of Revenue Stamps in Suits at Law

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter the clerks of the different and several Courts of this State, shall tax in the bill of costs

in each case the amount of revenue stamps required by federal laws, to be put upon all process in legal proceedings, and the same shall be collected as other cost in the suit.

Revenue St'ps charged for.

Approved, February 20, 1866.

No. 37.]

AN ACT

To Legalize Marriages which took place within the Federal lines in the State of Alabama, during the occupation of said State by the Federal military authorities.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all marriages which occurred in said State within the Federal military lines during the occupation of the country by the enemy, be and the same are hereby declared to be as valid and binding on the parties as if the same had taken place prior to the 11<sup>th</sup> day of January, 1861.

Legalizes marriages.

SEC. 2. *Be it further enacted,* That this act shall be held to include all marriages occurring between the 11<sup>th</sup> day of April, 1862, and the first day of July, 1865.

Fixes dates.

Approved, February 20, 1866.

No. 38.]

AN ACT

To amend Section 2313 of the Code of Alabama.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 2313 of the Code, which section is in words as follows: "In all suits upon contracts where the defendant has been personally served with process, when the matter in controversy does not exceed three hundred dollars, the plaintiff is competent to establish the correctness of the demand by his own oath, if the defendant is a resident of the State, unless he, in open court, denies upon oath the truth of the facts proposed to be sworn by the plaintiff," shall apply in all actions against corporations, in the same manner as in actions

Oaths of parties litigant.

against individuals. Provided, the oath of the defendant provided for by said section, may be made by any president, director or stockholder of said corporation, having personal knowledge of the facts, and shall have the same effect as the oath of the defendant, in cases against private persons.

Approved, February 20, 1866.

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No. 39.] AN ACT

To amend the First Clause of Section 711, of the Code, so as to extend the civil jurisdiction of Justices of the Peace to one hundred dollars.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly bly convened,* That the first clause of section 711 of the

Magistrates' Code of Alabama, which reads as follows: "Of all actions founded on any contract, where the sum claimed does not exceed fifty dollars," be and the same is hereby amended, by striking out of said clause the word "fifty" and insert in lieu thereof the words "one hundred" so as to extend the civil jurisdiction of Justices of the Peace on contracts, to the sum of one hundred dollars.

Approved, February 20, 1866.

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No. 40.] AN ACT

To repeal all laws heretofore in force in relation to the distillation of grain in this State.

All anti- liquor laws repealed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all laws and parts of laws heretofore made for the suppression of the distillation of grain, be and the same are hereby repealed.

Approved , February 20, 1866.



No. 41.] AN ACT

To amend an act entitled an act to regulate the Toll of  
Grist Mills, in this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section first of an act approved August 29<sup>th</sup>, 1863, providing “that no owner or employee of any steam or other grist mill, in this State, shall take or receive, as toll or otherwise, for grinding grain of any description more than 1/8th of the grain ground,” be, and the same is hereby so amended as to allow to grist mills worked by horses the same toll as was allowed by law prior to the passage of said act.

Approved, February 20, 1866.

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Toll allowed  
to Millers.

No. 42.] AN ACT

To amend Section 1961 of the Code of Alabama , in re-  
lation to Divorce and Alimony.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That paragraph third, in section 1961, of the Code of Alabama, which reads as follows: For voluntary abandonment from bed and board for three years, next preceding the filing of the bill, be amended by substituting the word “two” in lieu of “three” in said paragraph.

Approved, February 20, 1866.

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Divorce.

No. 43. AN ACT

To exempt from levy and sale two hundred pounds of  
Lint Cotton for the use of every family.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, that two hundred pounds of lint cotton for spinning pur-

200 pounds of  
cotton allowed.

poses, for the use of every family shall be exempt from levy and sale.

Approved, February 20, 1866.

No. 44.]

AN ACT

To encourage Immigration and to protect Immigrant labor.

Whereas, the recent radical change in the labor system of the South, has rendered the introduction of a new class of laborers necessary: Therefore to encourage and protect the importation of persons for this purpose—  
SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That contracts for labor for a term of service not exceeding two years, made in a foreign country, shall be respected and enforced by the authorities of this State, to the same extent, and in the same manner, as if made within the State; and any such contract made by any minor of the age of sixteen years or older, if the assent of the father, or if there be no father, the assent of the mother, or if there be no father nor mother, the assent of the guardian to be given to such contract, and certified thereon, shall be binding on said minor, as fully as

Contracts in foreign countries.

Minors.

Married wo- if he or she were of full age: and any such contract made by a married woman, the assent of the husband being given and certified thereon, shall be binding on her as if she were a femme sole.

men.

Contracts in duplicate.

SEC. 2. *Be it further enacted,* That all contracts made as aforesaid, shall be in duplicate, the original in the vernacular language of the immigrant; the duplicate in the English language, which shall be recorded in the office of the Judge of Probate, within forty days after the arrival of the said immigrant at the residence of his or her employer, and if not recorded within forty days, the employer shall not be entitled to the benefit of the provisions of this act, until the contract shall be recorded.

Preferred lien.

SEC. 3. *Be it further enacted,* That immigrants under contract as aforesaid, shall have a preferred lien on the products of their labor to secure them in the payment of their wages, or when the service is of a character that

doe not yield any tangible or available products, the Probate Court shall, on application require personal security for the payment of wages; and any immigrant who, without good and sufficient cause, being discharged from the service of any employer, may recover from his or her employer, in addition to the amount due for past services, damages not exceeding the wages for the unexpired term of his or her contract.

Personal security.

SEC. 4. *Be it further enacted*, That any immigrant bound by contract as aforesaid, who shall, without good and sufficient cause, abandon or leave the service of his or her employer, shall be liable to such employer for double the amount of wages for the unexpired term of the service, and any immigrant who shall fail to enter the service of an employer agreeably to contract, shall be liable in like manner, and for a like amount, and the claim for all such liabilities shall be a lien on all future wages of such immigrants whenever earned or from whomsoever due, until the same be repaid. And any person who shall employ any immigrant, or otherwise entice any immigrant from his or her employer, in violation of the contract of such immigrant, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in a sum not less than the amount of wages for the unexpired term of the contract, and may be imprisoned at the discretion of the jury trying the case, for a period not longer than \_\_\_\_\_ months.

Liability of employee

Remedy of employer.

Penalty for enticing away employee.

SEC. 5. *Be it further enacted*, That any immigrant who shall abandon or leave the service of an employer without repaying all passage money, and all other advances, shall be deemed guilty of a misdemeanor, and on conviction, fined in a sum not more than double the amount of the wages for the unexpired term of service, and imprisoned not longer than \_\_\_\_\_ months , at the discretion of the jury trying the same.

Penalty incur'd by immigrant.

SEC. 6. *Be it further enacted*, That if any other State of the United States has or shall pass an act of the same general character of this act, and for like purposes, and any immigrant under contract valid in such States shall leave the service of his or her employer, without good and sufficient cause, the employer shall have the same lien and the same rights and remedies for the enforcement of the employers residing within the State.

Lien of employer.

SEC. 7. *Be it further enacted*, That all the provisions

of this act shall extend and apply to all contracts made

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Contracts af-as well as to contracts made in a foreign country, for two  
 ter arrival of immigrants. with immigrants after their arrival in the United States,  
 years after their arrival in the United States.  
 Approved, February 1, 1865.

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No. 45.] AN ACT

To authorize appeals from the Probate Court.

Appeal al-  
 owed.

SEC. 1. *Be it enacted by the Senate and House of Rep-  
 resentatives of the State of Alabama in General Assem-  
 bly convened,* That from any decree or judgment of the  
 Court of Probate, rendered since the 11<sup>th</sup> day of January,  
 1861, and prior to the 25<sup>th</sup> day of September, 1865, any  
 person having an interest therein, and aggrieved thereby  
 may appeal therefrom, in the manner, and to the Circuit  
 or Supreme Court as now prescribed by law, at any time  
 within six months after the passage of this act.  
 Approved, February 21, 1866.

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No. 46.] AN ACT

To extend the jurisdiction of the Courts of Chancery in  
the settlement of insolvent estates.

Preamble.

Whereas, many Executors and Administrators , during  
the existence of the Confederate States, paid claims to  
creditors, and also made advancements to legatees and  
distributees, knowing such estates to be solvent, which,  
by reason of the emancipation of the slaves, have become  
insolvent; now, therefore,  
SECTION 1. *Be it enacted by the Senate and House of  
Representatives of the State of Alabama in General Assem-  
bly convened,* That the Courts of Chancery in this State,  
upon a proper bill filed by any executor, administrator,  
creditor, legatee or distributee of any estate, declared  
insolvent as aforesaid, shall have full power and jurisdic-  
tion to give full protection and relief to all persons con-  
cerned in such estates, either as creditors, legatees or dis-  
tributees.  
SEC. 2. *Be it further enacted,* That upon the filing of

Jurisdiction  
over insolvent  
estates.

such bill, it shall be lawful to make any creditor, legatee, or distributee, who has received any payment or advancement from such executor or administrator, upon his claim, legacy or distributive share, a party or parties defendant thereto, and if the Chancellor upon the trial, shall be satisfied that such creditor, legatee or distributee, has received more than his pro rata share of the assets of said estate, or if a legatee or distributee, more than he was entitled to, it shall be the duty of such Chancellor to render his decree against such creditor, legatee or distributee for the amount so received in excess of what he would have been entitled to, if such estates had been settled in the Probate Court, and no such payments or advancements have been made.

Equality in distribution of insolvent estates.

SEC. 3. *Be it further enacted*, That such courts shall have full power and authority to take full jurisdiction of all such estates, and settle the same as between executors administrators, creditors, legatees and distributees, upon principles of complete justice and equity, and may make all necessary orders and decrees, and enforce the same as in other cases in chancery.

Discretion of Chancellors

SEC. 4. *Be it further enacted*, That the provisions of this act shall extend to settlements of guardians and to administrators of deceased guardians.

Amplitude of this Act.

Approved , February 21, 1866.

No. 47.]

AN ACT

To relieve the people of the State from the payment of certain taxes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the people of this State be, and they are hereby relieved from the payment of all State and county taxes due prior to the 5<sup>th</sup> day of May, 1865. Provided, That nothing in this act shall be so construed as releasing any tax collector from accounting for any money by him received as such tax collector.

Relief from taxes.

Approved, February 21, 1866.

No. 48.]

AN ACT

To authorize Judges of Probate to take and approve the bonds of Registers in Chancery in this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the judges of probate in the different chancery districts in this State are hereby authorized to take and approve the official bond of the Registers, and when the district is composed of more than one county, the judge of probate of the county in which said chancery court is held for the district, is authorize to take and approve the bond of the Register of the district.  
Approved, February 21, 1866.

Bond of Reg-  
isters in Chan-  
the judge of  
cery.

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No. 49.]

AN ACT

To provide for the collection and settlement of balances due the State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Governor be, and he is hereby authorized, and it is made his duty, to take such steps forthwith, as he may deem proper, to secure the payment and enforce the collection of all money loaned or advanced by the State to any person, company or corporation during the past four years; and also to recover damages for the non-performance of all contracts to which the State is a party, and that the Governor may exercise a discretion in making or prescribing the rules of such settlements upon principles of justice and equity.  
SEC. 2. *Be it further enacted,* That any moneys received under this act shall be paid into the State Treasury.  
Approved, February 21, 1866.

Collection of  
claims against  
State.

No. 50.]

AN ACT

To authorize writs of garnishment against incorporated cities, towns and villages.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That upon all judgments and decrees now existing, or hereafter rendered in any Court of this State, the plaintiff shall have process of garnishment against any incorporated city, town or village, or other municipal corporation supposed to be indebted to the defendant, upon his complying with the law now in force in other cases of garnishment, and when the writ of garnishment is issued, the officer in whose hands the same may be placed, shall serve the same on the treasurer of such incorporation, or the person having the custody of the funds of the same who shall be required to answer as fully and completely as in other cases, and according to the same rules, and such answer shall be subject to the same rules and regulations as are now provided by law in other cases.

Garnishment right of plaintiffs.

SEC. 2. *Be it further enacted,* that if such garnishee answer indebted to the defendant in the judgment, it shall be lawful for the court to render judgment against such incorporated city, town or village, for the amount of indebtedness as in other cases, unless the answer is contested, upon which execution may issue. Provided, That if the treasurer of such incorporated city, town or village is the defendant in the judgment, the said officer shall execute the writ of garnishment upon he mayor or intendent of said city, town or village, who shall answer in the same manner, and such answer shall be subject to the same rules and regulations as are now prescribed by law, and judgment rendered and execution issued as is provided for in other cases; and provided, further, that this act shall apply to cases of attachment now pending or hereafter issued, subject to the same rules and regulations now prescribed by law.

Duty of court.

Proviso.

Approved, February 22, 1866.



No. 51.]

AN ACT

To amend and extend an act entitled "An Act to change and Modify Section 2706 of the Code in relation to the lien on steamboat,s" approved February 15, 1855.

Act amended.

Extension of  
time.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act entitled "An act to change and modify Section 2706 of the Code in relation to the lien on steam boats," approved February 15, 1855, which act is in these words as follows "Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, that Section twenty-seven hundred and six (2706) of the Code, be so changed and modified that the lien upon steamboats therein given be for the term of six months instead of thirty days only, as therein stated" he, slid the same is hereby amended and extended so as to apply in like manner to all ships, vessels, and other registered, enrolled, or licensed water crafts.

Approved, February 22, 1866.

No. 52.]

AN ACT

To authorize administrators, executors, guardians and trustees to compromise.

Settlement by  
Compromise.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That, hereafter, upon the application of any executor, administrator or guardian to the Judge of Probate of their respective counties, supported by the affidavit of the applicant and such other evidence as the Judge of Probate may require, setting forth the fact that the estate he or they may represent has owing to it debts of a bad or doubtful character, and containing a list of such claims, and that it would be for the benefit of the estate to compromise with the parties owing the same, the Judge of Probate play make an order authorizing such executor, administrator or guardian to settle and compromise such bad and doubtful claims in such man-

ner as may be deemed most for the benefit of the estate.

SEC. 2. *Be it further enacted,* That, after such executor, administrator or guardian has compromised the claims aforesaid or they shall report their action to the Judge of Probate granting the order, and if the Judge of Probate is satisfied that such settlement and compromise has been in all respects conducted in good faith, and is of benefit to the estate, he shall make an order confirming said settlement: Provided, any party interested may have the right of appeal from such order, either by himself or guardian, which guardian the Court may appoint, whenever, in his judgment, it may be necessary: Provided, that this act shall not apply to any debt accruing since first day of May, 1865.

Approved, February 22, 1866.

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Must report settlement to Probate Judge.

Duty of Judge.

Appeal.

Proviso.

No. 53]

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AN ACT

For the relief of executors, administrators and guardians.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all just claims or demands which have been paid by any executor, administrator or guardian since the eleventh day of January, 1861, shall be allowed, upon proof of the correctness of the same, in any annual or final settlements, although such estate may now be insolvent.

Claims to be allowed.

SEC. 2. *Be it further enacted,* That all executors, administrators and guardians shall be allowed twelve months from the passage of this act to declare any such estate insolvent, if the time has, or is about to expire, and no executor, administrator or guardian shall be liable for any failure to return such estate insolvent since the eleventh day of January, 1861.

12 months allowed.

Approved, February 23, 1866.

No. 54.]

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AN ACT

To authorize Registers in Chancery to appoint Receivers.

SECTION. 1. *Be it enacted by the Senate and House of*

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Receivers in  
Chancery.

*Representatives of the State of Alabama in General Assembly convened*, That Receivers may be appointed in vacation by Registers in Chancery, upon application in writing and upon reasonable notice thereof to the adverse party, subject to appeal to the Chancellor, which appeal may be heard by him in term time or vacation.

Suspension  
when bond given.

SEC. 2. *Be it further enacted*, That the order of the Register appointing the Receiver must be suspended whenever the appellant enters into bond with sufficient security, approved by the Register, in such sum as he shall prescribe, payable to the appellee, and conditioned to pay the appellee all such costs and damages as he may sustain in case said appeal is not prosecuted to effect.

Approved, February 23, 1860.

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No. 55.]

AN ACT

To authorize the Chancery Court to adjudicate claims against the estates of deceased persons, and other estates held in trust.

Privilege of  
Creditors.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That whenever a Court of Chancery shall have taken jurisdiction of the administration of an estate of a deceased person, whether testate or intestate, or of an estate held in trust, it shall be lawful for any person owning a claim against such estate, for services rendered or supplies furnished, subsequent to the death of the testator or intestate, or the creation of the trust estate, to present the same by petition for allowance by such court; and upon proof of the service of a copy of such petition upon the representative of such estate, twenty days prior to the making of such application for such allowance,

Duty of Court. the court shall, unless good cause be shown for delay, proceed to ascertain the amount which the claimant may be entitled to have allowed upon the claim or claims set forth in the petition.

Claims to be  
allowed.

SEC. 2. *Be it further enacted*, That the Court shall render a decree for the payment of the claim or claims thus allowed, or so much thereof as may be ascertained to be due from the estate upon an account taken and stated under the

direction of the court, or agreed upon between the parties.

SEC. 3. *Be it further enacted,* That the petition, answer and other papers relating to such claim and to any set off or other defence set up by the representatives of the estate, shall be filed with the papers of the cause pending for the administration of the estate, unless withdrawn by leave of the court; but no final record thereof shall be made, unless directed by the court.

Petition to be filed.

SEC. 4. *Be it further enacted,* That a transcript of the papers and the interlocutory orders and decrees of the court, touching the investigation and allowance of such claims, and of the defence thereto, and of the process issued under such decrees, and the return thereof, shall, when properly certified, be receivable in evidence in any of the courts of this State as a complete record.

Transcript valid evidence.

SEC. 5. *Be it further enacted,* That the costs of proceeding under this act may be taxed against either party, or decided as the court may decree.

Costs.

SEC. 6. *Be it further enacted,* that either party may appeal from the decree of the court under this act within thirty days, upon giving security for costs of appeal.

Appeal by either party.

Approved, February 23, 1866.

No. 56.]

AN ACT

Requiring the Secretary of State to have printed certain acts therein named.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Secretary of State be, and he is hereby required and instructed to have printed, at as early a day as practicable, fifteen hundred copies of the act concerning vagrants and vagrancy, the act to authorize justices of the peace to take cognizance and try cases of misdemeanor, and the act to regulate proceedings be for justices of the peace in cases of misdemeanor cognizable before them, and distribute the same to members of the two Houses.

Certain acts to be printed.

Approved, February 23, 1866.

No. 57.]

AN ACT

For the relief of plaintiffs.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the provisions contained in Chapter 17, title 1st of part 3d of "Code of Alabama" are hereby extended to plaintiff, or those for whose benefit suits are or may be pending.

SEC. 2. *Be it further enacted,* That a plaintiff, or one for whose benefit the suit is or may be pending, shall comply with the provisions of said chapter so far as the Condition of same are applicable to him, her or them, before they are releaf. entitled to the relief extended under the same.

Approved, February 23, 1866.

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No. 58.]

AN ACT

To provide for paying the expenses incurred in tale Inauguration of the Governor.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of fifty-three dollars be, and Appropriation. the same is hereby appropriated to ay for expenses incurred in the late inauguration, and the Comptroller of Public Accounts be, and the same is hereby directed to draw his warrant in. favor of H. P. Watson for the said sum of fifty-three dollars, to be paid out of any money in the Treasury not otherwise appropriated.

Approved, February 22, 1866.

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No. 59.]

AN ACT

To repeal an act entitled an act to amend section 1143 of the Code, as to overseers of roads.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assem-*



*bly convened,* That an act entitled an act to amend section

1143 of the Code, approved 25th day of November, 1863, which is as follow, to-wit: That section 1143 of the Code, be, and the same is hereby amended, by striking out all of said section after the words "two years" in the second line thereof, be, and the same is hereby repealed, and that section 1143 of the Code of Alabama, as it stands in the Code, be, and the same is hereby reenacted, and made the law.

Approved, February 23, 1866.

Code amended.

No. 60.]

AN ACT

To fix the amount of printing to be done for the State and the compensation for the same.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the act approved, December 14th, 1864, entitled "an act to reduce the amount of public printing to be done for the State," be, and the same is hereby repealed.

Act repealed.

SEC. 2. *Be it further enacted,* that for doing the public printing required under the provisions of this act, the public printer shall be entitled to receive, in manner, and upon the evidence now required by law, compensation at the following rates, to-wit: For each page of the acts and joint resolutions, and binging the requisite number included, seven dollars and seventy cents; for each page of the journals and revenue laws, five dollars and seventy cents; for blanks printed on paper, per quire, two dollars; for blanks printed on parchment per quire, three dollars; for printing done for each house while in session, or for other printing, for the composition per thousand ems of plain matter, one dollar and eighty cents; figure work per thousand ems, two dollars and fifty cents; rule and figure work, per thousand ems, three dollars and fifty cents; press work, including paper, per token, common octavo form, four dollars; broadsides, per token, including paper, two dollars and fifty cents; folding reports, bills and other documents, per hundred copies, on each signature (distinct tables to be considered as signatures,) forty cents; stitching of reports, bills, and other docu-

Rates allowed for printing.

ments, per hundred copies, seventy cents; for press work

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Duration of  
this act.

on bills ordered by either house of the General Assembly, including paper, folding and stitching, at the following rates, and no more, namely: for thirty-five copies or less, three dollars per page; for one hundred copies, four and a half per page; for one hundred and fifty copies five and a half per page. Provided, That the provisions of this section shall continue in force until the day of the adjournment of the next regular session of the General Assembly, and no longer.

Printing for  
both houses.

SEC. 3. *Be it further enacted*, That hereafter, when any matter shall be ordered to be printed by both houses, the same shall in all respects be charged for as though ordered by one house only, except in cases where ten days intervene between the time of the respective orders, any law, usage, or custom to the contrary notwithstanding.

Repeal.

SEC. 4. *Be it further enacted*, That all laws and parts of laws coming in conflict with the provisions of this act, be, and the same are hereby repealed.

Approved, February 23, 1866.

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No. 61.]

AN ACT

To provide for assistance in the Treasurer's office in certain cases.

Temporary  
clerk for Treas-  
urer.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That whenever, in the opinion of the State Treasurer, concurred in by the Governor, that the services of a clerk is necessary for bringing up or keeping up the business of the office of the Treasury, such service may be employed, and paid for, upon account stated, by the order of the Governor, out of any money in the Treasury, not otherwise appropriated. Provided, That such service shall be dispensed with as soon as the service requiring it is fully performed.

Approved, February 23, 1866.

No. 62.]

AN ACT

To to amend section 169 of the Code.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 169 of the Code, which reads as follows: "The salaries of all officers are payable on the last day of each quarter of the fiscal year, unless otherwise provided," be, and the same is hereby amended, so that the salaries of all officers employed at the seat of government, shall be payable on the last day of each month.

Certain officers paid monthly.

Approved, February 23, 1866.

No. 63.]

AN ACT

To relieve county superintendents and trustees of education.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That persons acting as county superintendents or trustees of education in this State during the late war, be, and they are hereby relieved from the necessity of further accounting for all Confederate Treasury Notes paid over to them by the tax collectors of their respective counties, and from other sources, as school funds.

Relief from accountability.

SEC. 2. *Be it further enacted,* That said superintendents and trustees shall make a statement to the State superintendent of education, under oath, of the amount of Confederate Treasury Notes, so paid over to them, and which they have not paid out to the school trustees of their respective counties, and that thereupon said State superintendent shall give said county superintendents credit upon his books for the same, and that said county superintendents shall be relieved from all liabilities arising from having received said funds.

Statement to be made out.

Approved, February 23, 1866.

No. 64.]

AN ACT

To authorize the Governor to issue and sell Bonds to aid the indigent and needy people of the State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Governor be, and he is hereby au-

Governor to authorized and empowered to sell the bonds of the State,  
sell bonds.

to the amount of five hundred thousand dollars, having twenty years to run, with coupons for interest attached, and bearing interest at the rate of six per cent. per annum, payable semi-annually, on the first days of January and July, of each year; redeemable at the pleasure of the State.

May employ  
assistant.

SEC. 2. *Be it further enacted,* That to carry this act into effect, the Governor is hereby authorized to employ all necessary assistants or agents and means to accomplish the preparation and sale of the bonds authorized by this act to be sold.

Disposition of  
proceeds.

SEC. 3. *Be it further enacted,* That the Governor is hereby authorized to dispose of said bonds in any market which he may consider as most advantageous to the State, and the proceeds arising from the sale thereof, shall be deposited in the State Treasury, to be applied to the purposes hereinafter mentioned.

Agent to be  
appointed with Governor,  
bond.

SEC. 4. *Be it further enacted,* That the Governor shall appoint an agent in each county in the State, who shall give bond with such security as may be approved by the Governor, conditioned for the faithful performance of the duties imposed upon him by this act, which bond must be approved by the Governor and filed in the office of the Secretary of State.

Comptroller to  
draw warrant.

SEC. 5. *Be it further enacted,* That the Comptroller of public accounts, be, and he is hereby authorized to draw his warrant on the State Treasurer in favor of the agent of each county (out of the funds raised by the sale of said bonds) for such amount as may be due the county, to be ascertained by the number of indigent persons, as shown by the statement now on file, or to be filed in the office of the Comptroller.

Duty of agent.

SEC. 6. *Be it further enacted,* That it shall be the duty of the said agent immediately upon the receipt of the money appropriated to the support of the indigent per-

sons of their respective counties, to invest the same in

bread-stuffs, which shall be conveyed to the county site or to such other place or places in each county as the agent may designate, and there faithfully and impartially distribute the same according to the wants of the indigent people of the county.

Destination of supplies.

SEC. 7. *Be it further enacted,* That the said agents shall make to the Judge of Probate of their respective counties, a monthly report, stating the amount of money received, the amount of bread-stuffs purchases and the cost of the same, together with the expenses of transportation to the point of distribution; the names of the persons to whom the bread-stuffs were distributed, and the quantity furnished each person, which said report shall be verified by the written oath of the said agent.

Ag'ts to make reports.

SEC. 8. *Be it further enacted,* That the said agents shall receive such compensation for the performance of the duties imposed by this act, out of the funds received by the said agents, as may be allowed by the commissioners court of their respective counties.

Compensation.

SEC. 9. *Be it further enacted,* That before any agent shall receive any money appropriated by this act, it shall be his duty to take an oath in writing, faithfully and impartially to discharge the duties herein required, which shall be filed in the office of the clerk of the Circuit Court of the county, and may be used in case of indictment for violation of this act.

Oath of agent.

SEC. 10. *Be it further enacted,* That if any agent appointed to carry out the provisions of this act, shall apply any money that may come into his hands, to his own use, or appropriate the same in any manner not contemplated by this act, he shall be deemed guilty of embezzlement, and on conviction, shall be punished as is now provided by law for such offence, and such offender and his securities shall be liable to the State, for the amount so embezzled or misapplied, to be collected as in other cases of embezzlement or defalcation; which amount so collected, shall be paid over to the county in which the offence was committed, for the use of the indigent people of the county.

Misapplications of money embezzlement.

Penalty.

Liability of securities.

SEC. 11. *Be it further enacted,* That all persons applying for the benefit of this act, shall be required to produce a certificate from a Justice of the Peace or Probate Judge, that such person is to the best of his or her ability, using every proper exertion to support himself, herself

Duty of applicants.



or family.

Approved, February 23, 1866.

No. 65.]

AN ACT

To make appropriations for the fiscal year ending on the 30th day of September, 1866.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the following sums of money be, and the same are hereby appropriated to be paid to the following persons, in the payment of claims against the State for the fiscal year ending on the 30th day of September, one thousand eight hundred and sixty six, to-wit:

Appropriations declared.  
Salaries of the Governor and other officers.

To the Governor of this State, four thousand dollars.

To pay the per diem and milage of members of the General Assembly for the present session, fifty thousand dollars, or so much thereof as may be necessary.

To the State Treasurer, two thousand eight hundred dollars.

To the Secretary of State, two thousand eight hundred dollars.

To the Comptroller of Public Accounts, two thousand four hundred dollars.

To the Superintendent of Education, two thousand four hundred dollars.

To the Supreme Court Reporter, one thousand two hundred dollars.

To pay salary of clerk in Comptroller's office, one thousand five hundred dollars.

To pay Judges of the Supreme Court, each four thousand dollars.

To pay Judges of the Circuit Court, each three thousand dollars.

To pay Chancellors, each three thousand dollars.

To the Attorney General, two thousand dollars.

To the Solicitors of Judicial Circuits, each two hundred and fifty dollars.

To the Adjutant and Inspector General, six hundred dollars.

To the Quarter Master General, three hundred dollars.

To the Private Secretary of the Governor, one thousand five hundred dollars.

To the Marshal of the Supreme Court and State Librarian, one thousand dollars, to be paid quarterly.

To the principal Secretary of the Senate, and principal

Clerk of the House, each eight dollars per day

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To the Assistant Secretary of the Senate, and Engrossing and assistant clerks of the House, each six dollars per day.

For the pay of such additional clerks as have been employed by the Senate and House, six dollars per day, each, for the number of days so employed.

To the Door Keepers of the Senate and House, each six dollars per day.

To the Messengers of the Senate and House, two dollars per day.

To the Secretary of the Senate and principal Clerk of the House, each, for completing the Journals of their respective Houses, arranging and filing away papers in proper order for the next session of the General Assembly, one hundred and fifty dollars.

To the regular standing clerks, secretaries and door keepers of each House, their regular pay during the recess of this session.

To the Journal Clerk of the House, six dollars per day, for every day employed as such.

To the Secretary of State for copying the Journals of both Houses of the present session, reading the proof sheets, and superintending the printing of the same; for placing marginal notes and preparing indexes to the laws and journals, five hundred dollars.

To the Recording Secretary of the Governor, one thousand dollars.

To pay the two codifiers of the penal code submitted to the present session, each one thousand dollars. To the two clerks employed by said codifiers, and the clerk employed by the Select Committee on said code, each six-dollars per day for the days they were actually employed, to be certified by said codifiers.

Codifiers and their clerks.

That the sum of two thousand dollars, or so much thereof as may be necessary, be, and is hereby appropriated, to pay for the distribution of the laws and journals of the present session of the General Assembly, and the Comptroller of Public Accounts shall draw his warrant on the Treasurer in favor of the several agents employed in the distribution, upon their producing the certificate of the Secretary of State that the sums charged are according to contract, and that the services have been performed.

Distribution of laws and journals.

Comptroller's warrant.

SEC. 2. *Be it further enacted,* That the Comptroller of Public Accounts is hereby authorized and required to draw

The same.

his warrant on the State Treasurer for the several sums of

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Contingent  
fund.

money herein appropriated at the times payable by law, on the production of proper vouchers and receipts therefor.

SEC. 3. *Be it further enacted*, That the sum of thirty thousand dollars be, and the same is hereby set apart as a contingent fund, to meet extraordinary expenses and contingencies, to be drawn on the order of the Governor.

Penitentiary.

SEC. 4. *Be it further enacted*, That the sum of fifty thousand dollars be, and same is hereby appropriated for the service of the Penitentiary, or so much as may be necessary to provide for carrying on the same, in case it shall not be leased, to be drawn upon the order of the Governor. Provided, That if the said penitentiary shall be leased, only the sum of fifteen thousand dollars shall be drawn, upon the order of the Governor, or such amount thereof as may be necessary for an advance to the lessee, to be repaid to the State at such time and with such security as the Governor may required.

Approved, February 23, 1866.

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No. 66.]

AN ACT

To legalize and authorize the further suspension of specie payments by the Bank of Selma.

Authorizing  
further suspen-  
sion of Bank of  
Selma.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an act entitled “An Act to further  
“suspend specie payments by the free banks, which is as  
“follows: that the suspension of specie payments by the  
“banks now organized and established under the free  
“banking law of the State of Alabama, be authorized and  
“legalized until twelve months after peace shall be rati-  
“fied between the United States and the Confederate  
“States of America. Provided, that the stockholders of  
“any corporation, which is or may be a stockholder in  
“said bank, shall, in consideration of the immunities of  
“this act, sign an agreement to be personally liable in pro-  
“portion to the amount they respectively own in said  
“corporation, in the same way as if they were directly  
“and personally stockholders in such bank, and that in  
“case of the transfer of any stock in such corporation,

“which is a stockholder in such bank, the person so trans-

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“ferring shall be liable for all the acts and doings and  
 “responsibilities of such bank, which arise for and during  
 “the term of twelve months after such transfer to the  
 “same amount they would have been, had such transfer  
 “not been made; that such agreement shall be filed  
 “with the Comptroller of this State before such bank shall  
 “be entitled to the privileges of the act”, be amended,  
 as follows: the further suspension of specie payments by  
 the bank of Selma, until the first day of April, eighteen  
 hundred and sixty eight, be and the same is hereby author-  
 ized and legalized. Provided, That nothing herein con-  
 tained shall be so construed as to release the stockholders  
 of said bank from the liabilities and obligations imposed  
 by the act, of which this is amendatory, in regard to the  
 redemption of its bills.

Proviso.

Approved, February 23, 1866.

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No. 67. AN ACT

To repeal an act entitled “an act to repeal certain acts  
 regulating judicial proceedings, and for other pur-  
 poses.”

SECTION 1. *Be it enacted by the Senate and House of  
 Representatives of the State of Alabama in General Assem-  
 bly convened,* That an act entitled an act to repeal certain  
 acts regulating judicial proceedings and for other pur-  
 poses, approved December 8<sup>th</sup>, 1863, be, and the same is  
 hereby repealed. Provided, That this act shall not be  
 construed so as to revive any of the acts thereby repeal-  
 ed; and provided further, That all bonds taken in pur-  
 suance of any of said acts, shall remain valid and may be  
 enforced according to the provisions of said acts, or as  
 may be otherwise provided by law, and that all liens of  
 judgments, decrees and forfeited bonds, acquired under  
 said acts, be and the same are hereby preserved, and not  
 in any way affected by the repeal of said acts, or by any  
 provision of this act.

Repeals pro-  
viso.

Proviso.

Approved, February 23, 1866.



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No. 68.] AN ACT

To, repeal an act entitled an act, to direct the binding of certain copies of the acts of the General Assembly, approved February 15th, 1854.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the act approved December 8<sup>th</sup>, 1863,

Repeals an act entitled of February 15, 1854.

an act to repeal an act, entitled an act to direct the binding of certain copies of the acts of the General Assembly, approved, February 15th, 1854, be and the same is hereby repealed.

Act revived.

SEC. 2. *Be it further enacted,* That the act repealed by the above recited act, be and the same is hereby revived and declared in full force and effect.

Approved, February 23, 1866.

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No. 69.] AN ACT

To require the Attorney General to proceed against certain persons, and the Governor to take steps to recover property belonging to the State.

Duty of Attorney General.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be, and is hereby made the duty of the Attorney General, and he is required to commence suit against all parties who have made contracts with the State, and have received money thereon, and have in any particular failed to comply strictly with the terms thereof, unless such parties without delay, make such settlement as maybe approved and sanctioned by the Governor.

Duty of Governor.

SEC. 2. *Be it further enacted,* That the Governor be authorized and requested to take such steps as may be necessary to recover any property belonging to the State that may be in possession of, or may have been entrusted to individuals, corporations or companies.

Approved, February 23, 1866.

No. 70.]

AN ACT

To carry out the provisions of an act entitled "An act in reference to school lands belonging to inhabitants of certain townships in this State, located in the States of Arkansas and Louisiana," approved February 6th, 1858.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Governor of the State of Alabama be, and he is hereby authorized to appoint the agent provided for, under the act of the General Assembly of the State, approved the sixth day of February, 1858, entitled "an act in reference to school lands belonging to inhabitants of certain townships in this State, located in the States of Arkansas and Louisiana," which said agent shall be charged with all the duties required by said act, and that the Governor be authorized and required to carry out all the provisions of said act.

Agent to be appointed.

SEC. 2. *Be it further enacted,* That the Governor be authorized to order an election to be held in the townships for which lands have been or may be hereafter selected, to ascertain whether or not said townships will ratify the selections so made; and to do and perform such other acts as may be necessary, to perfect the titles to the lands already selected, or which may be selected as aforesaid.

Election ratification and perfecting titles.

Approved, January 23, 1866.

No. 71.]

AN ACT

To regulate Judicial proceedings.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in all suits commenced since the first, day of May, 1865 or hereafter commenced, in this State, the first term of said Court after the commencement of said action shall be deemed and held the return time only. The second term an appearance and pleading term; and no such action shall be tried before the term next after the appearance term thereof.

Return term appearance term and trial term.

SEC. 2. *Be it further enacted,* That when any levy shall be made, or has been made, under any execution, (except



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Further delay by suggestion.

Bond when execution is levied.

Trial upon issue suggested.

Appeal.

for taxes and debts due the State,) any defendant therein upon delivering to the officer holding such execution a written suggestion that there is some irregularity or illegality in the execution or in its issue, or in the proceeding under it, and shall pay the costs due the officers of courts upon the same; (Sheriff's commissions not included,) shall have the right to give bond in double the amount of property levied upon, (if personal property) to be ascertained by the officer levying the same, and approved by him, payable to the plaintiff and conditioned, to deliver the said execution or pay to the amount of the value of said property, as ascertained by said officer, if said suggestion shall be determined against the said defendant; and when the levy is upon land or real estate the, defendant shall be allowed to make and have the said suggestion without any bond. The said suggestion and bond shall operate as a supersedeas and shall be returned with the execution to the Court to which said execution is returnable with an endorsement on the execution to this effect, to-wit: if levied on real estate "Stayed by suggestion under statute," and if on personal property, "Stayed by suggestion and bond under the statute." The court to which such return is made shall try any issue made up as to the truth of such suggestion. If the suggestion is established as true, the Court shall enter judgment, amending the defect or defects which may be shown at the cost of the plaintiff in execution and declaring the bond if levied on personal property to have the force and effect of a judgment, against all the obligors therein, at the cost of the defendant in execution and his securities, for the amount of the value of the property levied upon, as fixed by the officer taking the said bond, if the said property levied upon shall not be delivered according to the condition of said bond, as provided by this section; and if the issue shall be determined against the defendant, judgment shall be entered against him and the securities as above provided; and when said levy is upon land, and the said suggestion is established as true, then the defect or defects, shall be amended at the cost of the plaintiff, and if not established as true, then judgment shall be entered up against the defendant for cost. From any such judgment either party may take an appeal within six months, either to the Circuit or Supreme Court, upon giving an appeal bond in double the amount of the exe-

cution payable to the appellee, with sufficient security,

and with condition to prosecute the appeal to effect, and satisfy such judgment as the appellate Court may render in the premises, which bond may be approved by the judge clerk or register of the Court from which the appeal is taken, and shall operate as a supersedeas: Provided, That all the provisions of this section shall apply to executions or orders of sale issued in cases commenced by attachment, or in which attachments may have been , or may hereafter be issued, as fully as to an executor issued in any other kind of a case.

SEC. 3. *Be it further enacted*, That when the defendant shall make a suggestion and give bond under the second section of this act, and the execution is returned, with the endorsement to the Court said suggestion shall not be tried at that term of the Court, unless by consent of the parties, but shall stand continued over until the next term of the court.

SEC. 4. *Be it further enacted*, That if the defendant in execution, on any judgment now existing, shall pay on or by trial term of said suggestion, one-third of the principal and interest together with all cost due thereon, said cause shall stand continued until the next term of said court.

SEC. 5. *Be it further enacted*, That in case any deed of trust, or mortgage, with power of sale, has been or may be executed in this State, to secure the payment of any debt or debts, it shall not be lawful for the trustee or creditor named in such deed or mortgage, to sell any property so conveyed, without having actual possession thereof, so as to deliver the same to the purchaser upon making said sale. And in the event the grantor in any such deed of trust or mortgage, with power of sale as aforesaid, shall fail or refuse to deliver or demand, possession of any property or estate so conveyed, after having made default in payment of the debt thereby secured it shall be lawful for the trustee or creditor claiming to have legal title to sue for the possession of the same; and if personal property, the Sheriff, upon suit being brought, and affidavit of title , as in detinue cases, as provided by the Code, with the same terms and conditions as therein provided, shall take bond for the delivery of the property as provided by said Code in such detinue cases.

SEC. 6. *Be it further enacted*, That , hereafter, jus-

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Time for trying suggestions

Proviso.

Continuance upon paying.

Mortgage and deed of trust.

Bond.

tices' courts in this State, for the trial of civil causes,  
shall be held semi-annually, at such times and places as

Justices' courts  
semi annually.

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Mode of proceeding.	the justices in each beat may appoint, and may continue from day to day until the business is disposed of, and the term to which any original process, summons, warrant or complaint shall be made returnable, shall be deemed and held the docket term or appearance term of said court, and the cause shall stand for trial at the next ensuing term thereafter; and on all judgments rendered by any justice, in any civil cause, the party or parties against whom such
Appeal.	judgment may be rendered, shall at any time thereafter and before the payment of the same, have the right of appeal to the next term of the circuit court of the count in which such judgment may be rendered, upon giving such appeal bond, with surety, as is now required by the law, and the term to which such appeal may be taken, shall
Return and trial terms.	be the return term thereof, and the next succeeding term shall be the trial term thereof; and in any case be allowed. Justices of the peace shall make their executions returnable to the regular semi-annual term next after the rendition
Appeal	of any judgment. The above right of appeal shall apply to any and all judgments in said justices' courts now existing as well as those which may hereafter be rendered, and all judgments and executions in justices' courts shall be subject to the suggestion and proceedings provided for in section 2d of this act.
Not to apply to admiralty courts.	SEC. 7. <i>Be it further enacted</i> , That the provisions of this act shall not apply to proceedings in the courts of admiralty, nor to any action in detinue, or forcible entry and detainer, or unlawful detainer.
City courts.	SEC. 8. <i>Be it further enacted</i> , That in all cases of suits brought in city courts having civil jurisdiction, and where terms are held oftener than twice in each year, no judgment shall be obtained within a shorter period of time than is prescribed in the 1st section of this act. But the return, appearance and judgment terms on suits brought in such courts must each be intervened by space of, at least, six months.
Repeal.	SEC. 9. <i>Be it further enacted</i> , That all laws and parts of laws contravening the provisions of this act be, and the same are hereby repealed: Provided, that this act shall not so operate as to repeal or destroy any line of any judgment, decree or execution now in existence, or the lien of any judgment or decree that may be substituted



under the laws of this State authorizing the substitution of lost or burnt records.

Approved, February 20, 1866.

No. 72.] AN ACT

To loan seventy thousand dollars to the University of Alabama.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That a loan of seventy thousand dollars is hereby made to the University of Alabama by the State of Alabama, to be drawn from the Treasury of the State before January 1870, one-third of which loan shall be so drawn from the Treasury during the year 1867, one-third during the year 1868, and one-third during the year 1869, for the purpose of rebuilding the University of Alabama and furnishing it with the means of imparting a thorough education.

Loans \$70,000

Time and purpose.

How paid out.

SEC. 2. *Be it further enacted,* That the money mentioned in the preceding section shall be paid out on the warrant of such agent or officer as may be designated by the Trustees of said University.

SEC. 3. *Be it further enacted,* That from and after the first of January 1870, one-half of each semi-annual instalment of the interest on the University fund shall be retained by the Treasurer of the State, until the loan, with the interest thereon, provided for in this act, shall be paid.

Duty of Treasurer.

Approved, February 20, 1866.

No. 73.] AN ACT

To regulate the time of holding the Chancery Court in the 1<sup>st</sup> District of the Southern Chancery Division of this State, and for other purposes therein named.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assem-*

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*bly convened*, That there shall be two terms annually of the Chancery Court of the 1<sup>st</sup> District, held at Mobile, Fixes the time. one term to commence on the fourth Monday of January and one on the fourth Monday of June, and continued until the business of the court shall have been disposed of.

Cases submitted in vacaiion. SEC. 2. *Be it further enacted*, That all cases in said court may be submitted for final decree in vacation, by the consent in writing of the parties, or their solicitors. Approved, February 20, 1866.

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No. 74.] AN ACT

To regulate the salaries of the officers in the Executive Departments of the State and to regulate the same and to discontinue certain offices named.

Salaries. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the annual salary of the Secretary of State shall be two thousand four hundred dollars; the annual salary of the Comptroller of Public Accounts shall be two thousand four hundred dollars, and the annual salary of the State Treasurer shall be two thousand eight hundred dollars, to be paid quarterly, commencing on the first day of January, one thousand eight hundred and sixty-six; that the annual salary of the Private Secretary of the Governor shall be one thousand five hundred dollars; the annual salary of the clerk in the Comptroller's office shall be one thousand five hundred dollars, and the salary of the Recording Secretary of the Governor shall be one thousand dollars per annum.

Bond. SEC. 2. *Be it further enacted*, That the offices of clerks in the offices of Secretary of State and State Treasurer be, and the same are hereby abolished.

SEC. 3. *Be it further enacted*, That the Secretary of State must give bond in the sum of ten thousand dollars to the State of Alabama, for the faithful performance of the duties which may be imposed by law, which bond shall be approved by the Governor and deposited in his office.

SEC. 4. *Be it further enacted*, That all the fees and perquisites which accrue under the laws, as they now or may

hereafter exist, to the Secretary of State or the Comptroller of Public Accounts, are declared in force for the use and benefit of the State; and it is hereby made the duty of those officers to charge and collect the same, and to this end the said officers are required every three months to file in the office of the Comptroller of Public Accounts statements showing the amounts so accruing for the three months preceding, and pay the same into the Treasury, under the same rules and regulations and subject to the same penalties for failure as apply to other public officers: Provided, that for copying any law or other matter where such copy is desired, the charge for copying shall be thirty cents per hundred words, to be paid by the party ordering the same; and provided further, that the one-half of the amount provided for in the foregoing proviso shall be retained by the said officers as compensation for copying.

SEC. 5. *Be it further enacted*, That sections fifty-five sixty, and sixty-six, of the Code of Alabama, be, and the same are hereby repealed.

Approved, February 22, 1866.

No. 75.]

AN ACT

To appoint an agent to superintend the Salt Springs and lands belonging to the State, and to take charge of all the property of the State therein, and settle all accounts with former agents and other persons.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Governor of this State is hereby authorized to appoint a suitable agent, whose duty it shall be to superintend the Salt Springs and Salt lands donated to this State by the Congress of the United States, to prevent all trespass and waste on said lands; to lease the Springs and lands on such terms and conditions as he may see fit; to settle all accounts with any former agent or agents, lessee or lessees; to take charge of all property of every kind on said lands; to collect all property, debts and demands due the State, from all and every person, and generally to save and secure to the State whatever property debts and demands due the State on account of

Governor to  
appoint

Duty of Agent.



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Must report.	said lands. Said agent shall report every six months to the Governor all the property of every kind collected or received, and all settlements made by him, and generally all his actings and doings in regard to the said Salt lands.
Compensation.	SEC. 2. The said agent shall receive such compensation for his services as the Governor may deem proper and right, not to exceed one thousand dollars for any one year, and may be removed at any time by the Governor, and a successor appointed.
Duty of former Agents.	SEC. 3. <i>Be it further enacted</i> , That all former agents and lessees and all debtors and other persons having property or debts due the State, are hereby authorized and required to settle, and deliver the same to the agent appointed by the Governor under this act. Approved, February 23, 1866.

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No. 76.]

AN ACT

To change the mode of appointing Trustees of the University of Alabama.

Nominated by Governor.	SECTION 1. <i>Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened</i> , That hereafter , when any vacancy shall occur in the Board of Trustees of the University of Alabama, for any judicial circuit of this State, it shall be the duty of the Governor to nominate to the Senate, at the next regular session of the Legislature, a suitable person residing in said circuit , to fill such vacancy, and if
Confirmed by Senate.	such nomination is confirmed by the Senate, then such persons shall be Trustee of the University for the term prescribed by law; but if the Senate fail or refuse to confirm such nomination of the Governor, then he shall make other nominations, until a Trustee for such circuit is confirmed.
Repeal.	SEC. 2. <i>Be it further enacted</i> , That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed. Approved, February 21, 1866.

No. 77.]

AN ACT

To authorize the Probate Judges of this State to settle the amounts due on Estray Bonds without suit.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Judges of Probate of this State are hereby invested with full power and authority, in all settlements of estray bonds, executed between the 1<sup>st</sup> day of September , 1861, and the 1<sup>st</sup> day of May, 1865, to receive parol evidence to prove what was the consideration thereof, and whether or not the parties thereto understood that the same should be discharged in Confederate money, and if so, then to show what was the real or true value of the consideration thereof, and what amount the county is legally, justly and equitably entitled to receive on said bond or bonds, and upon such showing being made, he shall receive the amount so found to be due, and account for the same, as now prescribed by law, and the parties thereto shall thereupon be discharged.

Approved, February 13, 1866.

Duty of Probate Judge.

No. 78.]

AN ACT

To provide Blank Books for Records in certain cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of the Comptroller of Public Accounts, upon the production of the certificate of the Chancellor of the proper division , or of the Court of County Commissioners of any County in this State, that the record books or any portion thereof, have been destroyed by armed force, accompanied by an account for the purchase of such blank books, certified by the said proper Chancellor of Court of County Commissioners to be correct , and that the blank books were absolutely necessary to replace others so destroyed, to draw his warrant upon the State Treasurer in favor of the proper Register in Chancery or Clerk or Judge of Probate , for the amount of such account, to be paid out of any money in the Treasury, not otherwise appropriated. Provided,

Record books to be supplied.

that the amount to be paid under the provisions of this act shall not exceed three hundred and fifty dollars, paid for any chancery court, or any county in this State. Approved, February 20, 1866.

No. 79.] AN ACT

To invest the Probate Court with additional powers over the estates of deceased persons.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in all cases in which any estate consisting of land and slaves is required by last will and testament to be kept together , and the slaves to be worked on the land for a term of years, or for the life of any party in interest, or until the happening of any contingency, the Probate Court of the county, in which such last will and testament has been admitted to record and probate, or which may have jurisdiction of the same, is hereby invested with full power and authority to grant an order authorizing the executor, administrator with the will annexed , or guardian who may have the custody and management of the estate, to contract with, employ and hire a sufficient number of laborers to cultivate the said land, or such portions thereof as can be advantageously worked according to the provisions of the will and the intentions of the testator as near as may be.

Additional authority given to probate judges an order where there were slaves.

Now application to be made.

Case to be tried.

SEC. 2. *Be it further enacted,* That before granting any order under the provisions of the foregoing section, the Judge of the court having jurisdiction , shall require the executor, administrator with the will annexed, or guardian, to file a petition under oath, setting forth the facts upon which the application is based. Upon the filing of said petition, the judge shall appoint a day for the hearing of the same, and shall give ten days' notice thereof by advertisement in some newspaper published in the county , or, if there be no newspaper, then by posting the notice at the court house door; and on the day appointed, the Judge shall proceed to hear and determine the same upon the evidence adduced by the petitioner, or by the other parties in interest, and such other evidence as the said Judge may in his discretion cause to be ad-

duced. And unless good cause be shown to the contrary he shall grant an order authorizing the petitioner to contract with, and hire a sufficient number of laborers to cultivate the said land , or such portions thereof, as it is shown can be worked advantageously to the estate, and shall require the petitioner to return a written report of such hiring, under oath, on or before a day specified in such order.

Contracts authorized.

SEC. 3. *Be it further enacted*, That on the coming in of said report, the judge shall examine the same upon such evidence as he may cause to be adduced, and if he is satisfied that the contracts made by the petitioners are advantageous to the estate, he shall approve the same. And thereupon, the petitioner shall proceed to work and cultivate the land aforesaid, for the term specified in the order, making his reports and settlements with the court in the manner now required by law, or the said will.

Duty of probate judge and of admin'r &c.

SEC. 4. *Be it further enacted*, That upon the hearing of said report, if the same shall be rejected by the court and disapproved, the judge shall grant an order authorizing the petitioner to rent or lease the said land, with the stock, tolls, and agricultural implements for one year, or a term of years, to the highest bidder, if the evidence shows that such renting or leasing will be more advantageous to the estate than to work the land with hired labor. And such proceeding shall be governed by the laws now in force for the renting of lands in cases of intestacy. And the judge shall , in all cases, have power to authorized executors, administrators with the will annexed or guardians , to expend a sufficient amount of capital of the estate, if there be such amount on hand, to put the said land, or the premises proposed to be rented , in such a state of repair as will enable him or them to rent the same to the advantage of the estate or wards.

May rent or lease our land.

SEC. 5. *Be it further enacted*, That the said judge shall, in like manner, have power to grant an order authorizing administrators of estate in cases of intestacy, to hire a sufficient number of laborers to keep up and cultivate the plantations of their intestates, where it is deemed advisable by the court to order the same to be kept together for a term of year, which proceeding shall be governed in all respects, by the rules prescribed by the second section of this act.

Intestate estates.

Approved, February 8, 1866.



No. 80.]

AN ACT

To allow appeals in consent from interlocutory decrees on motions to dismiss bills for want of equity, and from interlocutory judgments on matters set up in abatement, or for the purpose of quashing or dismissing in attachment cases.

Allows appeals  
in certain cases.

Proviso.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an appeal to the Supreme Court of Alabama may be taken before the final determination of the cause, from any judgment or decree, overruling a motion to dismiss a bill for want of equity, or overruling a motion to dismiss, or dissolve, or quash an attachment, or sustaining a demurrer to a plea in abatement to an attachment, or sustaining an attachment against matters set up in abatement of it, either in the way of an agreed case, or by plea, or otherwise. Provided, however, that such appeal shall be taken only after the consent of the opposite party or his attorney is obtained to its being taken ; and on the trial of such appeal, there shall not be, a reversal, if the Supreme Court discovers that the defect or error, alleged or insisted on, can be removed, or remedied by amendment under existing laws.  
Approved, February 23, 1866.

No. 81.]

AN ACT

To regulate contests of Elections in certain, cases

Appeals.

Exception.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in every case where an appeal has been taken, or may, hereafter be taken, from the decision of the judge of probate in the trial of a contest of any election for any office which is filled by the vote of a single county, except for numbers of the General Assembly and judges of probate, the circuit court shall proceed to hear and determine the cause *de novo* ; and that all the regulations, not inconsistent herewith, prescribed by the Code for the conduct of such cases before the probate

judge, shall be conformed to by the circuit court, in trials under this act.

SEC. 2. *Be it further enacted,* That all the rules of evidence, and all the metros of compelling the production of testimony, that now appertain to the jurisdiction of circuit courts shall in addition to what is prescribed in the Code in relation to the contests herein mentioned, obtain in all trials under the provisions of this act.

SEC. 3. *Be it further enacted,* That the proceedings herein provided for, shall not, in any case, be affected by the fact, that such case was decided in the probate court on an issue of law, and not upon its merits.

SEC. 4. *Be it further enacted,* That the judgment of the Circuit Court in the trials herein provided for, shall have the same effect, and the same proceedings shall be had thereon, as the judgment of the probate court in like cases under the code.

Approved, February 13, 1866.

Power of Circuit Court.

Rules of Evidence.

When not approved.

Effects of judgment.

No. 82. ]

AN ACT

To repeal an act entitled " An Act to regulate the interest upon debts, in payment of which Confederate Treasury notes may be tendered and refused," approved 17th November, 1862.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act approved 17th November, 1862, providing that "if it shall be made to appear to any court of this State in any suit or proceeding hereafter made, express or implied, for the payment of money, that before the commencement of the suit, or proceeding, the defendant or defendants therein, or his or her personal representatives, tendered payment of the debt in Treasury notes of the Confederate States, and the plaintiff refused to receive them at their as value it shall not be lawful for the plaintiff in said suit or proceeding to recover more than one fourth of one per cent. per annum interest on said contract," be, and the same is hereby repealed.

Approved, February 13, 1866.

Repeals acts of Nov. 17, 1862.

No. 83.]

AN ACT

To define the jurisdiction of Judges of Probate in certain cases.

Order for improvement of estates.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act the several Judges of Probate in this State shall have power and jurisdiction to make an order or orders, to authorize any guardian who may have in his possession as such, any real property belonging to his wards, to authorize said guardian to make any improvement upon such property, which in the opinion of said Judge may be conducive to the interest or benefit of said ward. Provided, That no guardian shall spend any part of the corpus of the property belonging to such ward. Provided, further, That no order shall be granted by said probate court, except on proof by two disinterested witnesses that the estate of said ward will be manifestly enhanced by the proposed improvement.  
Approved, February 21, 1866.

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No. 84.]

AN ACT

To continue and complete the collection of the records of Alabama soldiers in the late war.

Duty of Adj't and Inspector General

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of the Adjutant and Inspector General of the State of Alabama, to take charge of all the papers, rolls and memoranda of every discription which have been turned over to the State by Col. W. H. Fowler , and to keep and preserve the same in his office in such manner as he may consider best, to perpetuate the information they contain of the organizations, services, and valor of Alabama soldiers, and their death.  
SEC. 2. *Be it further enacted,* That it is made the duty of the Adjutant General to open a correspondence by means of circulars and otherwise, for the purpose of obtaining information with a view to a complete roll of the different commands organized of Alabama soldiers in the

Further duty of some official.

late war, showing such commands of brigades, regiments battalions and companies; the rank, promotion and merit; the time of service and death; and whether in battle or in hospitals; and all and every information that will perpetuate in detail as far as may be, the evidences of the gallantry of Alabamians on the field of battle.

SEC. 3. *Be it further enacted*, That all the information collected by the Adjutant General under the provisions of the foregoing section shall be carefully preserved in his office , to be submitted to the examination of any committee which may hereafter from time to time be appointed by the General Assembly of either house thereof.

Purpose of records.

SEC. 4. *Be it further enacted*, That as compensation for the services required by this act, the Adjutant General shall receive for his services, in addition to the salary provided by law, the sum of six hundred dollars, and necessary traveling expenses, as the Governor may specially direct, payable half yearly out of any money in the Treasury not otherwise appropriated.

Compensation

Approved, February 21, 1866.

No. 85.]

AN ACT

To re-enact section 3536 of the Code, which provides that no entry of indictments upon the minutes shall be made at the first term.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an act entitled “An act to repeal section 3536 of the Code of Alabama, and for other purposes,” approved December 12, 1864, which act is in words as follows: “Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That section 3536 of the Code of Alabama, be, and the same is hereby repealed, and the following words substituted for that section, to-wit: It shall be the duty of the clerk of the Circuit Court, when an indictment is returned into court by the grand jury, to enter on the minutes of the court a brief statement of the nature of the indictment, and the finding of the jury; and if the entry of such finding is omitted at the proper time, it shall and may be lawful for the court, at

Re-enacts section 3536 of code



any subsequent time, on examination into the variety of the indictment and its return, to have the proper entry made *nunc pro tunc*," be, and the same is hereby repealed. Approved, February 20, 1866.

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No. 86.]

AN ACT

To protect freedmen in their rights or person or property in this State.

Rights of Freedmen.

When competent to testify.

When disqualified.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That all freedmen, free negroes and mulattoes, shall have the right to sue and be sued, plead and be impleaded in all the different and various courts of this State, to the same extent that white persons now have by law. And they shall be competent to testify only in open court, and only in cases in which freedmen, free negroes and mulattoes are parties, either plaintiff or defendant, and in civil and criminal cases, for injuries in the persons and property of freedmen, free negroes and mulattoes, and in all cases, civil or criminal, in which a freedman, free negro or mulatto is a witness against a white person, or a white person against a freedman, free negro or mulatto the parties shall be competent witnesses, and neither interest in the question or suit, nor marriage, shall disqualify any witness from testifying in open court.

Approved, December 9, 1865.

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No. 87.]

AN ACT

To authorize the Governor to sell the Alabama State Arsenal building in the city of Tuscaloosa.

Governor's authority.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Governor of this State be, and he is hereby authorized to sell and convey all right of this State in and to the Alabama State Arsenal building in

the city of Tuscaloosa, if in his discretion he deems such sale advantageous to the State.

Approved, February 21, 1866.

No. 88.]

AN ACT

To provide for the payment of the interest on the bonded debt of the State of Alabama.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That a sufficient portion of the bonds , or of their proceeds, authorized by an act approved December 15, 1865, to issue the bonds of the State, to the amount of one million five hundred thousand dollars, be used in the payment of the interest on the bonded debt of the State, that may be due and unpaid up to the first day of January , 1867.

Interest on State bonds.

SEC. 2. *Be it further enacted,* That these bonds, when issued and used for the purpose of the payment of said interest, shall be issued in such sums as may be directed by the Governor; they shall be signed by him and the Comptroller of Public Accounts, and have the seal of the State affixed thereto, and be numbered and registered in the Comptrollers office. They shall be coupon bonds, payable to the commissioner and trustee for settling the affairs of the State bank and branches: have twenty years to mature, and be renewable at the pleasure of the State. Such an amount as may be necessary to pay the interest , which is payable in New York, shall be payable in New York, and bear interest at the rate of five per cent. per annum payable semi-annually. Such an amount as may be necessary to pay the interest, which is payable in London, on the bonds of the State, which bear interest at the rate of six per cent. per annum, shall be payable in London, and bear interest at the rate of six per cent. per annum, payable semi-annually. Such an amount as may be necessary to pay the interest which is payable in London, on the bonds of the State which bear a rate of interest of five per cent. per annum, shall be payable in London, and bear interest at the rate of five per cent. per annum, payable semi-annually.

How bonds are to be issued.

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Disposition of  
bonds.

SEC. 3. *Be it further enacted*, That these bonds, when issued, as above provided, may be transferred to parties holding claims against the State, for interest due, as above stated, in satisfaction of said claims, or they may be sold to original purchasers, and the proceeds applied to the payment of the claims for said interest; provided, however, that they shall not be sold at a lower rate than par value.

SEC. 4. *Be it further enacted*, That the registration of these bonds in the office of the Comptroller of Public Accounts, shall show for what purpose they are issued.  
Approved, February 13, 1866.

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No. 89.]

AN ACT

To repeal an act to change the time of taking up the State dockets.

Repeals Act  
of Dec. 5, 1861.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an act, approved December 5, 1861 entitled "An Act to change the time of taking up the State dockets," which provides "that until the ratification of a treaty of peace between the Confederate States and the United States, the criminal dockets of all the circuit courts of this State shall be set for and taken up on the second day of the term of said courts, respectively; and subpoenas and other processes shall be returnable and cases both civil and criminal shall be set accordingly," be and the same is hereby repealed.  
Approved, January 31, 1866.

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No. 90.]

AN ACT

To amend section 3107 of the Code, so as to make the penalty discretionary with the Jury.

Amendment.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That section 3107, of the Code, be amended so as to read as follows:



3107. If any person assaults and beats another with a cowhide, stick or whip, having at the time in his possession a pistol or other deadly weapon, with intent to intimidate and prevent the person assaulted from defending himself, must, on conviction, be imprisoned in the penitentiary, not less than two or more than twenty years, or fined not exceeding on thousand dollars, at the discretion of the jury trying the same.

*Provided*, That this act shall not affect the trial of any person who had committed the offense herein named, before its passage.

Approved, February 10, 1866.

Proviso.

No. 91.]

AN ACT

To exempt certain property therein named from levy and sale for the use of every family in the counties of Jackson, Marshall, Madison, Limestone, Lawrence, Franklin and DeKalb.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the following property, besides what is already exempt by law, in the counties of Jackson, Madison, Marshall, Limestone, Lawrence, Franklin and DeKalb, shall be exempt from levy and sale, by any legal process for the period of two years, except such as may be used for the collection of taxes:

Property exempted.

1<sup>st</sup>. All household and kitchen furniture; 2d. All machines and machinery for making cloths, not kept for sale; 3d. Five cows and calves , five horses of five mules that are used for farming purposes, fifty head of hogs; 4<sup>th</sup>. All the meat, fodder, corn, wheat, meal and flour on hand, not kept for sale; 5<sup>th</sup>. All farming implements of every kind, not kept for sale; 6<sup>th</sup>. All tools or implements of any mechanical trade, not kept for sale; 7<sup>th</sup> Real estate , together with the homestead , not to exceed five hundred acres, to be selected by the head of the family.

SEC. 2. *Be it further enacted*, That all laws and parts of laws contravening the provisions of this act, are hereby repealed.  
Approved, February 22, 1866.

No. 92.]

AN ACT

To assume and provide for the payment of the tax on real estate , imposed by act of Congress, of the 5<sup>th</sup> of August, 1861.

Preamble.

Whereas, a tax of twenty millions of dollars was assessed on real estate by act of Congress of the 5<sup>th</sup> of August, 1861, and the proportion of said tax assigned to Alabama, in said act of Congress is five hundred and twenty-nine thousand three hundred and thirteen and one third dollars;

50 per cent.  
additional.

And, whereas, an increase of fifty per cent. on this sum, in addition, was imposed on the real estate of Alabama, as a penalty for non-payment;  
And , whereas, it is provided in said act of Congress, that any State may assume the collection and payment of this portion of said tax, and when so collected and paid that fifteen per cent. shall be deducted, as an allowance for the collection; therefore,

Duty of Governor.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Governor be and he is hereby authorized and empowered to assume on the part of the State, the payment of the said tax; and requested to endeavor to have the penalty for non-payment remitted and to obtain such terms on the payment thereof, as may be most conducive to the interest of the State.

Bonds.

SEC. 2. *Be it further enacted*, That he be and is hereby authorized and instructed, through the agency of the Commissioner for settling the affairs of the State Bank and branches, to issue and sell the bonds of the State, in amount sufficient only to pay said tax and the penalty, (if it should be exacted,) and any necessary expenses that may be incurred in its payment.

SEC. 3. *Be it further enacted*, That these bonds shall be coupon bonds, signed by the Governor and the Comp-

troller of Public Accounts, and State Treasurer , with the great seal of the State affixed, and payable to the Commissioner for settling the affairs of the State Bank and Branches, at the expiration of twenty years, at the Treasury Department of the United States, or at such other place as may be agreed upon. They shall bear interest at such rate as may be agreed upon, not to exceed seven per cent. per annum, payable semi-annually. They shall be issued in such sums as the Governor may deem best, and registered in the office of the Comptroller.

SEC. 4. *Be it further enacted*, That the proceeds of the sale of the bonds provided for in this act, shall be used and expended in the payment of the said tax, as provided for in this act.

SEC. 5. *Be it further enacted*, That the faith and credit of the State of Alabama are hereby pledged for the payment of the interest upon the bonds issued under the provisions of this act, and for the payment of the principal sum, when the same shall become due, and to provide a sum for the payment of said interest and principal a tax is hereby levied of one-tenth of one per cent. *ad valorem*, upon the value of all real estate, subject to taxation in this State, which shall be assessed and collected, and accounted for as other taxes under the same rules and regulations , and with the like penalties as is prescribed for the assessment and collection of taxes in the laws now or hereafter to be enacted. And it is hereby made the duty of the Comptroller of Public Accounts and State Treasurer to make the settlements and entries of settlements , and payment of the taxes herein provided for, as a separate fund to be devoted entirely to the purpose for which the same shall be raised, under the provisions of this act, and so report upon th amount received from year to year and the Comptroller of Public Accounts shall cause this act to be printed and distributed with the revenue laws.

Approved, February 20, 1866.

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Disposition of  
bonds.

Faith of State  
pledged.

No. 93.]

AN ACT

For the regulation of the chartered banks of the State of Alabama.

Recital.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the first section of an act of the General Assembly, entitled “An act to authorize the suspension of specie payments by the banks in Alabama until twelve months after ratification of peace,” approved December 9, 1861, which is in part as follows— “Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the suspension of specie payments by the chartered banks of the State of Alabama be, and the same is hereby legalized until the conclusion of peace with the United States,” be so revised and amended as to require the banks aforesaid to resume specie payments on or before the first day of April, 1868, and that the remainder of said section, which reads as follows: “Provided, it shall be the duty of said banks, during the term of suspension hereby authorized to receive at par the notes of the Confederate States, commonly called Treasury notes, for all debts due them, payable at their own counter, and the said banks are authorized, during the said term, in like manner , to employ said Treasury notes in paying their deposits, and in redeeming their own notes or bills respectively” – be, and the same is hereby repealed.

Repeal.

SEC. 2. *Be it further enacted*, That by or before the second Monday in November , 1866, each of said banks shall make to the Governor a full and complete report of their entire assets and liabilities.

Report to Governor.

Approved, February 21, 1866.

No. 94.]

AN ACT

To authorize the payment of the turnkey fees of jailors in this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assem-*

*bly convened*, That the fees to jailors now allowed by law, for turnkey fees for putting prisoners in jail and taking them out, shall be paid by the State under the same rules regulations and laws that the fees for victualling prisoners now are paid, anything in the laws to the contrary notwithstanding.

Fees of jailors and how paid.

Approved January 18, 1866.

No. 95.] AN ACT

To repeal Articles 2 and 3 of Chapter 4, Title 13, Part the 1<sup>st</sup> of the Code of Alabama and sections 3287 and 3289.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That articles 2 and 3, of chapter 4, title 13, of part 1, from section 1033 to section 1054, inclusive, be and the same are hereby repealed.

SEC. 2. *Be it further enacted*, That sections 3287 and 3289 of the Code of Alabama be, and the same are hereby repealed.

Approved, February 21, 1866.

No. 96.] AN ACT

To authorize the taking of depositions in criminal cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the evidence of witnesses may be taken by deposition in criminal cases by the defendant:

When defendant may take deposition.

1<sup>st</sup>. Where the witness, from age, infirmity or sickness is unable to attend court.

2d. Where the witness resides more than one hundred miles from the place of trial, computing by the route usually traveled, or resides out of, or is absent from the State.

3d. Where the defence or the material part thereof, depends exclusively on the evidence of the witness.

SEC. 2. *Be it further enacted*, That the party desiring

Must make affidavit.

Interrogatories, how taken.

Notice, how given.

Sections of Code applicable.

When deposition not used.

Application to State.

to take such deposition must make affidavit before a justice of the peace of the State, or clerk of the court, setting forth some one or more of the above causes for taking such deposition, and that the witness is material which must be filed in the cause; and, after making such affidavit, may file with the clerk interrogatories to be propounded to the witness, of which the prosecutor indorsed on the bill of indictment, or the solicitor of the circuit, must have notice in writing by copy of such interroga-

who has ten days thereafter to file cross-interrogatories, to which the party filing the interrogatories-in-chief may file rebutting interrogatories within a like period of ten days; after the expiration of which time a commission, accompanied by a copy of the interrogatories-in-chief, cross, and rebutting, if filed, must be issued by the clerk to take the deposition, which may be taken at such time and place as the commissioner shall appoint. SEC. 3. *Be it further enacted*, That if the solicitor and prosecutor reside out of, or are absent from the county, notice may be given by filing the interrogatories in the office of the clerk for ten days.

SEC. 4. *Be it further enacted*, That all the provisions of sections 2322, 2323, 2324, 2325, 2326, 2327, 2328 and 2329 of the Code, are hereby made applicable to all depositions taken by virtue of this act.

SEC. 5. *Be it further enacted*, That if at the trial of such cause the witness whose deposition is thus taken, is alive and able to attend the court, and is within the jurisdiction of the court, then such depositions shall not be used without the consent of the parties.

SEC. 6. *Be it further enacted*, That the provisions of this act shall apply to the State where the defendant files his written consent thereto.

Approved, January 26, 1866.

No. 97.]

AN ACT

To authorize the Governor to exercise the pardoning power before conviction.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Governor of the State shall have

authority to exercise the pardoning power before conviction in all cases in which indictments have been , or may hereafter be found, for offences committed.

Approved, December 14, 1865.

Power of Governor.

No. 98.]

AN ACT

To regulate the office of Attorney General.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Attorney General , before entering on the duties of his office, shall give bond in the sum of ten thousand dollars and upon the requisition of the Governor, shall give additional bond whenever the public interest demands, which bonds must be approved by the Governor, and filed and recorded in the office of the Secretary of State.

Shall give bond.  
Additional bond.

SEC. 2. *Be it further enacted,* That the Attorney General shall keep his office at the seat of Government, and shall perform the following duties, viz.: 1<sup>st</sup>. He shall give his opinion, in writing or otherwise, on any question of law connected with the interests of the State, or with the duties of any of the departments , when required by the Governor, Secretary of State, Comptroller, Treasurer or Superintendent of Education, in writing to do so, and he shall also give his opinion to the chairman of the judiciary committee of either House, when required, upon any matter under the consideration of the committee. 2d. He shall, on the application of the Governor, prepare all contracts and writing in relation to any matter in which the State is interested. 3d. He shall attend, on the part of the State, to all criminal causes pending in the Supreme Court, and to all civil suits in which the State is a party in the same court. He shall also attend to all causes, other than criminal , that may be pending in the courts of Montgomery county, in which the State may be in any manner concerned, and when required to do so by the Governor in writing, shall appear in the courts of other States , or of the United States, in any cause in which the State may be interested in the result. 4<sup>th</sup>. He shall superintend the collection of all notes for school lands which may be turned over to him

Duties of Attorney General

Further Duties.

by the Superintendent of Education, and for this purpose may appoint agents in different parts of the State.

5<sup>th</sup>. He shall annually , in the month of November, make to the Governor a report, consolidated from the reports made to him by the solicitors of the different judicial circuits, stating the number of persons prosecuted under indictments, during the past year, in each county, the character of the alleged offences, the results of the trials and the punishments imposed; together with such suggestions, tending to the suppression of crime, as he may deem proper.

SEC. 3. *Be it further enacted*, That the annual salary Compensation of the Attorney General shall be two thousand dollars, payable quarterly.

SEC. 4. *Be it further enacted*, That all other laws , or parts of laws, in any wise relating to the office or duties of the Attorney General , are hereby repealed.

Repeals.

Approved, February 20, 1866.

No. 99.]

AN ACT

To provide for taking the census of the State of Alabama for the year 1866, as ordered by ordinance of the Convention of 1865.

County Commissioners to appoint census next, to makers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the courts of county commissioners in the several counties in this State be, and they are authorized and required , previous to the first day of April to appoint in each of the counties of the State, one fit person to take the census, or enumeration of the inhabitants of the respective counties, for the year 1866, and the person so appointed shall take and subscribe the following oath, viz.: I do solemnly swear (or affirm) that I will faithfully take the census, and correctly enumerate the inhabitants of \_\_\_\_\_ county, according to the true intent and meaning of the act, to provide for the taking the census of the State of Alabama , for the year one thousand eight hundred and sixty-six, approved the 21<sup>st</sup> day of February, 1866, so help me God; which oath shall be filed in the office of the clerk of the circuit court of the proper county.

Oath.



SEC. 2. *Be it further enacted*, That it shall be the duty of the census taker appointed as aforesaid, to make personal application to and enumerate all persons, not heads of families, and to make application to all heads of families within the county for which he shall have been appointed, for a true estimate of all the members thereof, such estimate to contain an enumeration of the whole number of the members belonging to his or her family, how many were lost in the service during the late war, died of sickness or were killed in battle, or were disabled by wounds, and the said census taker shall classify the whole population into two classes, white and black, the black to include all persons of color. He shall also specify the males and females of each class, and he shall also subdivide each of the classes, black and white, male and female, according to age, so that the enumeration shall show how many of each class are under ten years of age, how many between ten and twenty, between twenty and thirty, between thirty and forty, between forty and fifty, between fifty and sixty, between sixty and seventy, seventy and eighty, eighty and ninety, ninety and one hundred.

Duty of census takers.

SEC. 3. *Be it further enacted*, That the said census taker shall make an enumeration of all the insane white persons, epileptics, and idiots in his county, respectively designating those in the county at the time of enumeration, and such being citizens of the State as may be sent abroad.

Idiots, &c.

SEC. 4. *Be it further enacted*, That it shall be the duty of the Secretary of State to prepare and furnish to each person appointed to take the census on or before the first day of April next, printed forms or schedules to be used by them in taking the census according to the provisions of this act. The Secretary of State shall also furnish such persons with a copy of this act.

Secretary of State to furnish forms.

SEC. 5. *Be it further enacted*, That the census taker shall ascertain and report to the Secretary of State, the number of colleges, academies and common schools in each county respectively and also the number of scholars at each college, academy and common school as nearly as practicable.

Colleges and Schools

SEC. 6. *Be it further enacted*, That the several census takers appointed as aforesaid shall be allowed for taking the census or enumeration , as aforesaid, the following

compensation , to wit: For each hundred persons enu-

Compensation	merated up to 5,000, four dollars for every hundred; over and up to 10,000 two dollars for every hundred; over 10,000 one dollar and fifty cents; also, ten dollars for making out each copy; also, for making returns the same mileage as is allowed to tax collectors for making their returns.
Duty of census taker.	SEC. 7. <i>Be it further enacted</i> , That the census taker shall make out three copies of the enumeration with the classification aforesaid according to the form herein prescribed, one of which shall be deposited in the office of the clerk of the circuit court, and two shall be forwarded to the Secretary of State, on or before the second Monday in November next, and it shall be the duty of the Secretary of State to lay before the Speaker of the House of Representatives, at the next session of the General Assembly one copy of the enumeration by this act required, and to give to each census taker his certificate that the copies required by this act have been deposited in his office.
Duty of Comptroller	SEC. 8. <i>Be it further enacted</i> , That the Comptroller of Public Accounts shall, on the presentation of the said certificate of the Secretary of State issue his warrant on the Treasurer in favor of the census taker for the sum which may be due him according to the rates of compensation herein provided for.
How enumeration to be made.	SEC. 9. <i>Be it further enacted</i> , That the enumeration herein required to be made shall embrace all the citizens of the State, whether within the State at the time of the enumeration or abroad, but such persons only as shall be residents of the respective counties in which they are enumerated on the 1 <sup>st</sup> day of April next; Provided, That persons removing into any county after the said 1 <sup>st</sup> day of April next, and making oath or affirmation that they have not been enumerated in any other county, may be included.
Penalty for frauds.	SEC. 10. <i>Be it further enacted</i> , That if any person refuse to render such enumeration of his or her family on application as aforesaid, or shall knowingly render a false one, such person shall forfeit the sum of fifty dollars, to be recovered before a justice of the peace, upon the information of the census taker, which shall be paid into the county treasury.
Penalty on	SEC. 11. <i>Be it further enacted</i> , That if any person who may be appointed under the provisions of this act, and shall have accepted such appointment by acquies-

census taker.

cence or otherwise , shall fail to perform in any respect the

duties herein assigned him, he shall forfeit the compensation herein allowed , and also the sum of two hundred dollars to be sued for in the name of the State of Alabama, before any court having jurisdiction thereof, and paid into the Treasury of the State, and it shall be the duty of the Solicitor of the Circuit, to prosecute the suit and receive a tax free of ten dollars.

SEC. 12. *Be it further enacted*, That the commissioners' courts of roads, &c., shall fill all vacancies which may occur in any manner, in said office of census taker, and the person so appointed shall receive compensation in proportion to the services by him actually rendered , to be adjusted by the Comptroller of Public Accounts.

Vacancies to be filled.

SEC. 13. *Be it further enacted*, That it shall be the duty of the several census takers, and they are hereby required to make the enumeration of the white inhabitants by townships, and the returns made by them must show the number of white inhabitants in each township of their several counties.

Enumeration by township.

Approved, February 21, 1866.

No. 100.]

AN ACT

To prevent persons from interfering so as to induce laborers or servants to abandon their contracts, or to employ such without the consent of their original employer before the expiration of the contract, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall not be lawful for any person to interfere with hire, employ or entice away or induce to leave the service of another, any laborer or servant who shall have stipulated or contracted in writing, to serve for any given number of days, weeks or months, or for one year, so long as the said contract shall be and remain in force and binding upon the parties thereto, without the consent of the party employing or to whom said service is due and owing in writing or in the presence of some veritable white person and any person who shall knowingly interfere with, hire, employ or entice away or induce to leave the service aforesaid , without justifiable excuse therefor, before the expiration of said term of ser-

Unlawful to interfere with laborers or servants.

Penalty for enticing.

vice, so contracted and stipulated as aforesaid, shall be guilty of a misdemeanor, and on conviction thereof, must be fined in such sum not less than fifty nor more than five hundred dollars, as the jury trying the same may assess, and in no case less than double the amount of the injury sustained by the party from whom such laborer or servant was induced to leave, one half to go to the party injured and the other to the county as fines and forfeitures.

Injured party shall be competent witness.

SEC. 2. *Be it further enacted*, That the party injured be a competent witness in all prosecutions under this act, notwithstanding his interest in the fine to be assessed.

*Prima facie* evidence of guilt.

SEC. 3. *Be it further enacted*, That when any laborer or servant, having contracted as provided in the first section of this act, shall afterward be found, before the termination of said contract in the service or employment of another, that fact shall be *prima facie* evidence that such person is guilty of a violation of this act— if he fail and refuse to forthwith discharge the said laborer or servant, after being notified and informed of such former contract and employment.

Approved, February 16, 1866.

No. 101.]

AN ACT

To obviate technical objections to the venire in the trial of capital offences.

Mistakes in venire.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That when a jury shall be summoned as now provided by law, for the trial of any person charged with a capital offence, and it shall appear that a mistake has been made in the name of any of the jurors summoned for the trial of the defendant, or that such mistake has been made in the list of the jurors delivered to the defendant or his counsel, the said mistake shall not be legal and sufficient cause to quash the *venire*, or to delay or continue the trial, but the trial shall proceed as if no such mistake had been made. Provided, however, That the court may, because of such mistake, quash the *venire*, or delay or continue, or proceed with the trial, as the ends of justice may seem to the court to require.

Proviso.

Manner of proceeding

SEC. 2. *Be it further enacted*, That the court shall

direct the names of all those whose names have bene mistaken in the manner above mentioned to be discarded, and shall direct others to be summoned forthwith, to supply their places and those so summoned shall be disposed of in the same manner as if they had been summoned in the first instance. But neither the defendant nor his counsel shall be entitled to a list of the jurors summoned according to this section.

SEC. 3. *Be it further enacted*, That if any of the jurors summoned according to the second section of this act, shall be drawn to constitute the jury for the trial of the defendant , the said defendant shall have the right to challenge said jurors peremptorily and these challenges shall be allowed the defendant in addition to the preemptory challenges now allowed him by law.

Defendants  
right to chal-  
lenge.

Approved, February 20, 1866.

No. 102.]

AN ACT

To amend Section 3721 of the Code, in relation to the writ of Habeas Corpus.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That section 3721 of the Code of Alabama , which provides, that, "If it appears from the petition that the party is imprisoned or confined on any criminal accusation, the officer issuing the writ must endorse on the same an order requiring such party, or some one for him to give notice to the solicitor of the time and place when and where such writ is returnable; and also to the prosecutor or principal agent in procuring the arrest; and such party, must not be discharged until such notice has been given a sufficient length of time, if the solicitor , prosecutor or such agent is within fifty miles of the place of examination," be amended by adding the following: Provided, That if the crime with which the prisoner is accused, is bailable, and the accused waives the examination of the facts the judge may fix the amount of bail, without such notice to the solicitor, prosecutor, or agent, and in doing so, the judge shall act on the conclusion that the offense is of the highest grade.

Amends sec-  
tion 3721 of  
Code.

Proviso.

Approved February 13, 1866.





No. 103.] AN ACT

To amend Section 1215 of the Code relating to Apprentices.

Extension of age for apprentices.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 1215 of the Code which reads as follows: "The judge of probate of each county may bind out as apprentices the children of any persons unable to provide for their support, until the age of twenty-one years if a male and sixteen years if a female" be amended by striking out sixteen in said section and inserting eighteen.  
Approved, December 15, 1865.

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No. 104.] AN ACT

To repeal an act entitled "An act to prevent Extortion" approved December 9<sup>th</sup>, 1862.

Repeals.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act entitled "An act to prevent Extortion," approved 9<sup>th</sup> December, 1862, be and the same is hereby repealed.  
Approved, January 31, 1866.

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No. 105.] AN ACT

For the relief of Executors, Administrators, Guardians, and Trustees.

Effects upon regular emancipation of estates.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That every executor or administrator whose fiduciary acts and conduct have in other respects been regular and in good faith, and the estate of whose testator, or intestate, consisted in part or in whole of negro property, and, by reason of such property, was deemed and held to be fully and amply solvent, and while the estate was so deemed and held to be amply solvent, pro-

ceeded to pay, and did pay in good faith, any valid indebtedness of such estate in part or in whole, and the estate has since become insolvent by reason of the emancipation of the sales, then such executor or administrator shall not be held liable for the amount so paid, or any part thereof, unless he can recover the same; but shall account only for the assets and effects, after such payment so made, still in his hands; Provided, It shall appear to the proper court that such executor or administrator acted in good faith and under reasonable apprehensions, and the estate did not become insolvent by his fault in other respects.

SEC. 2. *Be it further enacted*, That if any such executor or administrator has received treasury notes or bonds of the Confederate States or the State of Alabama, in payment for property sold, or of indebtedness to the estate which he may represent, in good faith, and the estate of his testator or intestate has become insolvent in consequence of the worthlessness of any such notes or bonds, then such executor or administrator shall not be hold liable for the amount of such notes or bonds.

Not responsible where Confederate notes, &c., were received.

SEC. 3. *Be it further enacted*, That the provisions of the foregoing sections shall apply to all cases between guardian and ward, and between trustees and *cestui qui* trusts, as well as to cases between executors and administrators, and the creditors of the estates which the represent.

SEC. 4. *Be it further enacted*, That whenever any executor administrator, guardian or trustee, shall have bona fide received any Confederate treasury notes or bonds, or State treasury notes or bonds, in payment of property sold as aforesaid, or in payment of an indebtedness due their said estates, or may have bonded any of the assets of their respective estates, in either Confederate or State bonds, he shall not be held liable to account for the said funds or assets either to creditors, distributees or legatees.

The same.

Approved, February 23, 1866.

No. 106.] AN ACT

The more effectually to prevent the offenses of grand larceny, arson, and burglary.

Increase of  
penalty for bur-  
glary, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, any person or persons who shall be guilty of the offense of grand larceny, arson or burglary, on conviction thereof, shall suffer death, or be imprisoned in the penitentiary for any period not less than five years, at the discretion of the jury trying the same.  
Approved, December 15, 1865.

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No. 107.] AN ACT

To amend Section 3794 of the code, relating to vagrants.

Amendment.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 3794 of the Code, which reads as follows: "The following persons are vagrants," be amended by adding the following: "Any runaway, stubborn servant or child; a common drunkard, and any person, who, depending on his labor, habitually neglects his employment."  
Approved, December 15, 1865.

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No. 108.] AN ACT

To authorize presiding Judges at special terms of the Circuit Court to organize Grand Juries.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assem-*

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*bly convened*, That it shall be lawful for the presiding judge at any special term of the circuit court in this State, when, in his judgment and discretion, the public good required, it to organize a grand jury at any such special term in the same mode and manner as at a regular term, and the proceedings of such grand juries shall, in all respects, be conducted and controlled by the same laws as if had at a regular term of said court.

Directors of  
Circuit Judges.

Maner of.

Approved, November 27, 1865.

No. 109.]

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AN ACT

To alter and amend "An act to amend the charter of the Girard rail road company," approved January 30, 1854.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That section second of an "act to amend the charter of the Girard rail road company," approved January 30, 1854, in the words following, to-wit: "Sec. 2. *Be it further enacted*, That the annual meeting of the stockholders in the Mobile and Girard rail road company shall be held at such time and place as the board of directors may appoint; and it shall be the duty of the said directors to cause notice of said meetings to be given in one or more of the public newspapers of the city of Mobile and Girard at least sixty days before the day appointed for said meeting,"— be altered and amended by striking out the words "Mobile and Girard" where they occur in the second clause of said section, and insert in Columbus, Georgia, and Union Springs and Troy, Alabama; and also by striking out the word "sixty" in the same clause of the same section, and inserting the word thirty in place thereof.

Amendment.

Approved, January 23d, 1866.

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No. 110.] AN ACT

To regulate proceedings before Justices of the Peace in cases misdemeanor cognizable before them.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in all cases of misdemeanors cognizable before a justice of the peace, upon affidavit made of the guilt of the accused, the justice before whom the same is made, shall issue his warrant for the arrest of the accused, which shall be executed by any constable or sheriff of the county, who shall bring him before such justice with all convenient dispatch.

Warrant to be issued.

SEC. 2. *Be it further enacted,* That the accused, when brought before such justice, shall have the right to a trial (if he demand the same) by a jury to be composed of six jurors; and it shall be the duty of the justice, on the demand of the accused, to summon or cause to be summoned, such jury for the trial of the accused.

Jury of six.

SEC. 3. *Be it further enacted,* That the justice before whom the accused may be brought for trial, may, for good cause, shown, adjourn the trial from time to time, as may be necessary, not exceeding ten days at one time.

Adjournment of cases.

SEC. 4. *Be it further enacted,* That in all cases where the accused may be found guilty, he shall have the right of appeal to the next court sitting for the county having general jurisdiction. The accused, before he shall be allowed to take such an appeal, shall enter into bond, with sufficient surety, to be approved by the justice, and in such sum as may be prescribed by him, conditioned that the accused shall personally appear, at the term of the court to which the appeal may be taken, and that he shall attend the same, to answer to the charge against him, fro day to day and from term to term of said court, until he be discharged therefrom by due course of law.

Appeal allowed.

SEC. 5. *Be it further enacted,* That in rendering the judgments in said cases, and executing the judgments and convictions thereof, and collecting the fines under governing jus- this act, the said justices shall be governed by the same laws, rules and regulations, which are applicable to the circuit courts in this State in criminal cases.

Laws and rules governing jus- this act, tices.

Approved, January 20, 1866.

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No. 111.] AN ACT

To authorize Justices of Peace to take cognizance of and try cases of misdemeanor.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That justices of the peace may take cognizance of and try all cases of misdemeanor, except cases of gaming and violations of the revenue laws.

Justices to try misdemeanor.

Approved, January 20, 1866.

No. 112.] AN ACT

Concerning vagrants and vagrancy.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners' court of any county in this State may purchase, rent, or provide such lands, buildings and other property as may be necessary for a poor-house, or house of correction, for any such county, and may appoint suitable officers for the management thereof, and make all necessary by-laws, rules and regulations for the government of the inmates thereof, and cause the same to be enforced; but in no case shall the punishment inflicted exceed hard labor, either in or out of said house; the use of chain-gangs, putting in stocks, if necessary, to prevent escapes; such reasonable correction as a parent may inflict upon a stubborn, refractory child; and solitary confinement for not longer than one week, on bread and water; and may cause to be hired out such as are vagrants, to work in chain-gangs or otherwise, for the length of time for which they are sentenced; and the proceeds of such hiring must be paid into the county treasury, for the benefit of the helpless in said poor-house, or house of correction.

Establishment of poor-house.

Punishment.

Proceeds of labor.

SEC. 2. *Be it further enacted,* That the following persons are vagrants in addition to those already declared to be vagrants by law, or that may hereafter be so declared by law; a stubborn or refractory servant; a laborer or servant who loiters away his time, or refuses to comply with

Who are vagrants.

any contract for a term of service without just cause;



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- and any such person may be sent to the house of correction in the county in which such offense is committed; and for want of such house of correction, the common jail of the county may be used for that purpose.
- SEC. 3 Be it further enacted,* That when a vagrant is found, any justice of the peace of the county, must, upon complaint made upon oath, or on his own knowledge, issue his warrant to the sheriff or any constable of the county, to bring such person before him; and if, upon examination and hearing of testimony, it appears to the justice, that such person is a vagrant, he shall assess a fine of fifty dollars and costs against such vagrant; and in default of payment, he must commit such vagrant to the house of correction; or if no such house, to the common jail of the county, for a term not exceeding six months; and until such fine, costs and charges are paid, or such party is otherwise discharged by law; Provided, That when committed to jail under this section, the commissioners' court may cause him to be hired out in like manner as in section one of this act.
- SEC. 4. Be it further enacted,* That when any person shall be convicted of vagrancy, as provided for in this act, the justice of the peace, before whom such conviction is had, may, at his discretion, or hire such person to jail, to the house of correction, or hire such person to any person who will hire the same, for a period not longer than six months, for case, giving three days' notice of the time and place of hiring; and the proceeds of such hiring, after paying all costs and charges, shall be paid into the county treasury for the benefit of the helpless in the poor house.
- SEC. 5. Be it further enacted,* That all fines received by any justice of the peace under the provisions of this act, shall be paid into the county treasury for the purposes as set forth in section one of this act.
- SEC. 6. Be it further enacted,* That it shall be the duty of the justice of the peace to settle with the county treasurer at least once a month, for all fines received by him under this act, and for a wilful default so to do, he shall be guilty of a misdemeanor; and upon conviction in any court having jurisdiction, shall be fined in double the amount so received or collected by him, and all costs of suit.
- Duty of justice.
- Proviso.
- Discretion of justice.
- Application of fines.
- Penalty for default.

SEC. 7. *Be it further enacted,* That the court of county of commissioners of each county shall have full and com-

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plete control of the public works and public highways therein, and shall make all contracts in relation thereto; and shall have power to appoint a superintendent of said public works and highways, under such rules and regulations as said court shall determine; and any justice of the peace trying any cause under this act, on conviction, shall have power to sentence such vagrant to work on said public works and highways, under the supervision of such superintendent, for not more than forty days.

Power of commissioners' court.

Approved, December 15, 1865.

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No. 113.]

AN ACT

To amend section 3178 of the Code.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 3178 of the Code, in words and figures as follows: "Any person who buys, receives, conceals, or aids in the concealment, of any personal property other than slaves, or deed, conveyance, or other writing specified in section 3176, knowing such personal property to have been stolen, or such deed, conveyance or writing to have been taken with the mention to injure or defraud, must, on conviction, be imprisoned in the penitentiary not less than two, nor more than five years," be amended by adding, at the end of said section, the following words: "or by fine and imprisonment, one or both, at the discretion of the jury trying the same."

Penalty for receiving stolen goods.

Approved, January 23, 1866.

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No. 114.]

AN ACT

To establish a new Penal Code.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Penal Code prepared by the commissioners, Geo. W. Stone and Jno. W. Shepherd, and reported to the present general assembly, be, and the same is hereby, adopted as part of the criminal laws of

Code adopted.

this State.

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Printing of  
Code.

SEC. 2. *Be it further enacted,* That three thousand copies of said Penal Code, together with this act, and the other criminal laws of the State which remain unrepealed thereby, be printed in pamphlet form, at as early a day as may be practicable, under the superintendence of a competent person, to be appointed by the governor, whose duty it shall be, to arrange and methodize said unrepealed laws as part of said Penal Code; to prepare head notes, side notes, and a complete index to the several sections composing the entire Penal Code, and to correct the proof-sheets; and who shall receive for his services such compensation as the governor may deem just and reasonable, to be paid out of the contingent fund.

Distribution  
of Code.

*Be it further enacted,* That said Penal Code, when printed, shall be distributed by the secretary of State, or under his direction, as follows: To the member of the present general assembly, one copy each; to the judges of the supreme court, circuit courts, city courts of Mobile, Montgomery, Selma, and Eufaula, chancellors, and judges of probate, one copy each; to the clerks of the circuit and city courts throughout the State, and the several justices of the peace, one copy each; to the comptroller of public accounts, State treasurer, attorney general, and solicitors, one copy each; to the executive office, five copies; to the marshal and librarian of the supreme court, for the use of the supreme court and State libraries, ten copies; and the residue shall be sold by the secretary of State, on account of the State, at a price which shall be sufficient to reimburse the State for the cost of printing and publishing the same.

Laws Repealed.

SEC. 4. *Be it further enacted,* That the following laws be, and they are hereby, absolutely repealed— that is to say, article seven, chapter two, title one, part four, of the Code of Alabama, being from section 3295 to section, 3300, both inclusive; also, article ten of the same chapter, being from section 3305 to section 3335, both inclusive; also, the first, second, third, fourth, and fifty chapters, of title two, part four, of the Code of Alabama, being from section 3339 to section 3435, both inclusive; also, the seventh, eighth, and ninth chapters of the same title, being from section 3497 to section 3573, both inclusive; also, the eleventh and twelfth chapters of the same title, being from section 3619 to section 3666, both

inclusive; also, the fifteenth chapter of the same title,  
being from section 3699 to section 3707, both inclusive;

and section 3863, 3864, 3865, 3794, 3795, 3796, 3797, and 3798 of the Code of Alabama.

SEC. 5. *Be it further enacted*, That the following laws be, and the same are hereby repealed— that is to say, chapter one, and the first, second, third, fourth, fifth, and sixth articles of chapter two, title one, part four, of the Code of Alabama, being from section 3069 to section 3294, both inclusive; also, sections 3301, 3302, 3303, 3304, 3792, 399, 1058, 1059, 1111, 1113, 1115, 1118, 1121, and of the Code of Alabama; also, the act approved February 5, 1856, entitled “An act to prevent more effectually the commission of the offenses of burglary and theft in this State;” also, the act approved February 15, 1856, entitled “An act to amend section 3222, of the Code of Alabama;” also, the act approved December 17, 1865, entitled “An act for the protection of telegraph lines and for other purposes;” also, the act approved February 5, 1856, entitled “An act to prevent the destruction of fish;” also, the act approved February 15, 1856, entitled “An act to prevent gambling on steamboats;” also, the act approved February 17, 1854, entitled “An act to prevent betting at pool-tables and billiard-tables;” also, the act approved February 15, 1860, entitled “An Act to amend the criminal laws of this State;” also, the act approved February 21, 1860, entitled “An act more effectually to prevent the crime of incest;” also, the act approved February 21, 1860, entitled “An act to prevent the game of keno and other games;” also, the act approved December 15, 1859, entitled “An act to amend section 399 of the Code;” also, the act approved February 16, 1860, entitled “An act to amend section 3254 of the Code of Alabama;” also, the act approved February 24, 1860, entitled “An act to amend section 3249 of the code; also, the act approved February 21, 1860, entitled “An act to prevent the unauthorized sale of lottery tickets in the State of Alabama;” also, the act approved February 17, 1860, entitled “An act to prevent the adulteration and sale of adulterated liquors;” also, the act approved February 16, 1860, entitled “An act to protect females from insult and injury at public assemblages;” also, the act approved February 6, 1858, entitled “An act to regulate the duties and liabilities of railroad companies in this State;” also, the act

The same.

approved January 27, 1858, entitled “an act to amend section 3500 of the Code of Alabama; also, the acts



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approved January 16, 1858, entitled "An act to amend the criminal law in relation to rape, incest, and adultery;" also, the act approved February 8, 1858, entitled "An act to prevent betting at ten-pins;" also, the act approved February 16, 1858, entitled "An act to prevent nuisances and illegal trafficking with slaves;" also, the act approved January 20, 1858, entitled "An act to prevent the adulteration of liquors, &c.;" also, the act approved January 31, 1851, entitled "An act to regulate the hunting of wild hogs;" also, the act approved December 3, 1863, entitled "An act to prevent gaming in this State;" also the act approved October 7, 1864, entitled "An act to punish certain offenses, therein named;" and all and singular the other laws, and parts of laws, heretofore enacted, which in any manner conflict with the provisions of the Penal Code by this act adopted, in reference to the definition of punishment of any public offenses; Provided, however, That nothing in this section contained shall affect any prosecution now pending, or which may be hereafter commenced, for any public offense heretofore committed, or which may be hereafter committed at any time prior to the day on which said new Penal Code shall go into effect, as by this act provided.

Proviso.

SEC. 6. *Be it further enacted*, That so soon as said new Penal Code shall have been printed, and delivered to the secretary of State, as by this act provided, it shall be the duty of the governor to publish his proclamation, in such newspapers throughout the State as he may select, appointing a day, not less than thirty, nor more than sixty days from the date of said proclamation, from and after which said new Penal Code and this act shall go into effect and become operative.

Governor to proclaim Code.

SEC. 7. *Be it further enacted*, That the manuscript copy of said new Penal Code, so soon as the same shall have been printed, shall be deposited in the office of the secretary of State, and be preserved for future reference.

Disposition of manuscript of Code.

Approved, February 23, 1866.

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No. 115.] AN ACT

To prevent persons from purchasing or receiving stolen goods.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That any person who shall purchase or receive from any free person of color any stolen goods or property, knowing the same to have been stolen, shall be deemed guilty of a misdemeanor, and on conviction thereof before any justice of the peace, aided by six competent jurors, who shall be summoned by a constable, shall be fined not less than one hundred dollars, and be imprisoned not less than ten days.

Penalty for receiving stolen goods.

Approved, December 15, 1865.

No. 116.] AN ACT

To punish the offering to bribe the commit offenses.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That any person who corruptly give, offers or promises any gift, gratuity, or thing of value to another person, with intent to induce or influence such person to commit any crime or offense punishable as a felony, much, on conviction, be imprisoned in the penitentiary, not less than two, nor more than ten years; and if the offense, for the commission of which such bribe is offered, be less than a felony, then the person giving, offering, or promising such bribe, must, upon conviction, be punished as if he has committed such offense.

Penalty for bribery.

Approved, January 23, 1866.

No. 117.] AN ACT

To amend section 3147 of the Code, so as to prevent embezzlement and fraudulent conversions by bailees.

SECTION 1. *Be it enacted by the Senate and House of*

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Penalty for  
frauds by bank-  
ers.

Representatives of the State of Alabama in General Assembly convened, That section 3147 of the Code be amended by adding the word "bailee" after the word "attorney" in the fourth line, and by adding the word "bailee" after the word "attorney" in the eighth line of said section, so that said section, as amended, shall read as follows: "Sec. 3147. If any president, cashier, or other officer, agent, or servant of any bank incorporated under any law of this State; or any private banker, commission merchant, factor, broker, attorney, bailee, or any other agent, embezzles, or fraudulently converts to his own use, any effects or property belonging to, or in possession of such bank, or deposited therein, or any property deposited with such private banker, commission merchant, factor, broker, attorney, bailee, or other agent, belonging to another, must, on conviction, be punished, as if he had feloniously stolen such property."

Approved, December 14, 1865.

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No. 118.] AN ACT

To authorize the Governor to have the capitol building covered or refitted.

Repair of capitol.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Governor be and he is hereby authorized to contract for a complete repairing or converting of the State capitol, the work to be done at the earliest practicable period; and that the Governor be further authorized and empowered to have the same paid for out of any money in the treasury not otherwise appropriated. Approved, February 21, 1866.

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No. 119.] AN ACT

To reorganize and fix the times of holding the Courts of Chancery in the Middle Chancery Division.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assem-*

*bly convened*, That the courts of chancery in the middle chancery division shall be held at the times herein stated, and the districts of said division shall be numbered as follows, to-wit: Wilcox county shall be the 1<sup>st</sup> district of middle division, and Monroe and Clarke the 2d, Choctaw the 3d, Sumter the 4<sup>th</sup>, Marengo the 5<sup>th</sup>, Greene the 6<sup>th</sup>, Tuscaloosa the 7<sup>th</sup>, Pickens the 8<sup>th</sup>, Fayette and Marion the 9<sup>th</sup>, Walker the 10<sup>th</sup>, Jefferson the 11<sup>th</sup>, Bibb the 12<sup>th</sup>, Shelby the 13<sup>th</sup>, Autauga the 14<sup>th</sup>, Dallas the 15<sup>th</sup>, and Perry the 16<sup>th</sup>; and the times for holding the chancery courts in the middle chancery division shall be, for the 1<sup>st</sup> district the 4<sup>th</sup> Monday in May and 2d Monday in November, and be allowed six days for each term; for 2d district the 1<sup>st</sup> Monday after the 4<sup>th</sup> Monday in May and 3d Monday in November, and allowed six days at each term; for 3d district the 2d Monday after the 4<sup>th</sup> Monday in May, and allowed six days; for 4<sup>th</sup> district the 3d Monday after the 4<sup>th</sup> Monday in May and the 4<sup>th</sup> Monday in November, and allowed six days at each term; for 5<sup>th</sup> district the 4<sup>th</sup> Monday after the 4<sup>th</sup> Monday in May, and allowed six days; for 6<sup>th</sup> district the 1<sup>st</sup> Monday in July and 1st Monday in December, and allowed six days at each term; for 7<sup>th</sup> district the 2d Monday in July and 2d Monday in December, and allowed six days at each term; for 8<sup>th</sup> district the Thursday after 2 Monday in July and the 3d Monday in December, and the first term in July shall be allowed three days, and the second term in December six days; for 9<sup>th</sup> district the 3d Monday in July, and allowed three days at term; for 10<sup>th</sup> district the Thursday after 3d Monday in July and allowed three days at the term; for 11<sup>th</sup> district the 4<sup>th</sup> Monday in July, and allowed three days at the term; for 12<sup>th</sup> district the Thursday after the 4<sup>th</sup> Monday in July, and allowed three days to the term; for 13<sup>th</sup> district the 1<sup>st</sup> Monday after the 4<sup>th</sup> Monday in July, and allowed six days, and 1<sup>st</sup> Thursday after 1<sup>st</sup> Monday in February, and allowed two days at a term; for 14<sup>th</sup> district the 2d Monday after the 4<sup>th</sup> Monday in July, and allowed six days, and the 1<sup>st</sup> Monday in February, and allowed two days to the term; for 15<sup>th</sup> district the 3d Monday after the 4<sup>th</sup> Monday in July, and the 4<sup>th</sup> Monday in December, and allowed six days to the term; for 16<sup>th</sup> district the 4<sup>th</sup>

First district.

Time of court.

Monday after the 4<sup>th</sup> Monday in July, and 1<sup>st</sup> Monday

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after the 4<sup>th</sup> Monday in December, and allowed six days to the term.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in contravention of the foregoing be, and the same are hereby repealed.

Approved, February 23, 1866.

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No. 120.]

AN ACT

To define the relative duties of master and apprentice.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of all sheriffs, justices of the peace, and other civil officers of the several counties in this State, to report to the probate courts of their respective counties, at any time, all minors under the age of eighteen year, within their respective counties, beats, or districts, who are orphans without visible means of support, or whose parent or parents have not the means, or who refuse to provide for and support said minors, and thereupon it shall be the duty of said probate court to apprentice said minor to some suitable and competent persons, on such terms as the court may direct, having a particular case to the interest of said minor; Provided, If the said minor be the child of a freedman, the former owner of said minor shall have the preference, when proof shall be made that he or she shall be a suitable person for that purpose, and provided, that the judge of probate shall make record of all the proceedings in such case, for which he shall be entitled to a compensation of one dollar, to be paid by the master or mistress.

Officers to report distitute minors.

Proviso.

SEC. 2. *Be it further enacted,* That when proof shall be fully made before such court, that the person or persons to whom said minor shall be apprentices shall be a suitable person to have the charge and care of said minor, and fully to protect the interest of said minor, the said court shall require the said master or mistress to execute bond with security to the State of Alabama, conditioned that he or she shall furnish said minor with sufficient food and clothing, to treat said minor humanely, furnish medical attention in case of sickness, teach or cause to

Masters to give bond.

be taught him or her to read and write, if under fifteen

years old, and will conform to any law that may be hereafter passed for the regulation of the duties and relation of the master and apprentice.

Duty of master.

SEC. 3. *Be it further enacted*, That in the management and control of said apprentices, said master or mistress shall have power to inflict such moderate corporeal chastisement as a father or guardian is allowed to inflict on his or her child, or ward at common law; Provided, That in no case shall cruel or inhuman punishment be inflicted.

Punishment.

SEC. 4. *Be it further enacted*, That if any apprentice shall leave the employment of his or her master or mistress without his or her consent, said master or mistress may pursue and recapture said apprentice and bring him or her before any justice of the peace of the county, whose duty it shall be to remand said apprentice to the service of his or her master or mistress; and in the event of a refusal on the part of said apprentice so to return, then said justice shall commit said apprentice to the jail of said county on failure to give bond until the next term of the probate court, and it shall be the duty of said court, at the first term thereafter, to investigate said case, and if the court shall be of opinion, that said apprentice left the employment of his or her master or mistress without good cause, to order him or her to receive such punishment as may be provided by the vagrant laws which may be then in force in this State, until he or she shall agree to return to his or her master or mistress; Provided, that the court may grant continuances as in other cases; and provided, that if the court shall believed that said apprentice had good cause to quit the employment of his or her master or mistress, the court shall discharge such apprentice from said indenture, and may also enter a judgment against the master or mistress, for not more than one hundred dollars, for the use and benefit of said apprentice, to be collected on execution, as in other cases.

Apprentice not to leave.

Proviso.

SEC. 5. *Be it further enacted*, that if any person entice away any apprentice from his or her master or mistress, or shall knowingly employ an apprentice, or furnish him or her food or clothing without the written consent of his or her master or mistress, or shall give or sell said apprentice ardent spirits, without such consent, such person so offending shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined in a sum not exceeding five hundred dollars.

Penalty for enticing.



SEC. 6. *Be it further enacted*, that it shall be the duty  
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Duty of civil officers.

of all civil officers of their respective counties to report any minors, within their respective counties, to said probate court, who are subject to be apprentices under the provisions of this act, from time to time, as the facts shall come to their knowledge, and it shall be the duty of said court, from time to time, as said minors shall be so reported or otherwise come to its knowledge, to apprentice said minors, in case of males until twenty-one years old, and in case of females until eighteen years old, as hereinbefore provided.

Regulations for releasing.

SEC. 7. *Be it further enacted*, That in case any master or mistress of any apprentice may desire, he or she shall have the privilege to summon his or her apprentice to the probate court, and he or she, on good and satisfactory cause shown to said court, and on proof that said apprentice will not be injured thereby, shall be released from all liability as master or mistress of said apprentice, and his or her bond shall be cancelled; and it shall be the duty of the court forthwith to re-apprentice said minor; and in the event of any master or mistress of any apprentice shall die before the close of the term of service of said apprentice, it shall be the duty of the court to give the preference, in re-apprenticing said minor, to the widow or other member of said master's or mistress' family; Provided, That said widow or other member of said family be a suitable person for that purpose.

Removal.

SEC. 8. *Be it further enacted*, That in case the master of mistress of any apprentice bound to him or her under this act shall be about to remove, or shall have removed to any other State of the United States, by the laws of which such apprentice may be an inhabitant thereof, the probate court of the proper county may authorize the removal of such apprentice to such State upon the said master or mistress entering into bond, with security, in a penalty to be fixed by the judge, conditioned that said master or mistress will, upon such removal, comply with the laws of such State, in such cases; Provided, That said master or mistress shall be cited to attend the court at which such order is proposed to be made, and said apprentice shall have the right to resist the same by next friend or otherwise.

Parents may bind out.

SEC. 9. *Be it further enacted*, That it shall be lawful for any parent having a minor, child, or children, to apprentice the said minor, child, or children, as provided

for by this act.

SEC. 10. *Be it further enacted*, That in all cases where the age of the minor cannot be ascertained by record testimony, the judge of probate shall fix the same.

Doubt to age of minors.

SEC. 11. *Be it further enacted*, That this act shall take effect and be in force from and after its approval; Provided, That before any one shall be apprenticed under this law, if said minor has a father or mother living in said county, the probate judge shall notify said parent of the time of such apprenticing, who may, be proof, show his ability to support his or her child, or that the proposed master is an improper person to act as master of said apprentice.

Approved, February 23, 1866.

No. 121.]

AN ACT

To incorporate the Alabama Iron Mining, Manufacturing, and Transportation Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That M.O. Beatty, B. F. Gibson, John McCauley, John F. Anderson, and G. W. Caperton, their associates and successors, are hereby constituted a body politic and corporate, by the name and style of the "Alabama Iron Mining, Manufacturing and Transportation Company," for the purpose of mining, smelting and transporting iron, copper, silver, gold, coal, petroleum, and other metals and minerals, and vending the same, and for such purpose may erect all necessary buildings and other fixtures for carrying on their operations, as well as for building all such roads as the directors hereafter to be named may deem necessary to transport their iron, copper, metals and minerals to market, and shall have the right to connect with any other road subject to the regulations of the same, and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any courts of law and equity whatsoever, in all suits and actions; may have a common seal and the same may alter or amend at pleasure; hold mortgage, transfer or convey any real or personal estate.

Corporation.

Name and purpose.

Rights.

SEC. 2. *Be it further enacted*, that the capital stock of said company shall be two hundred and fifty thousand

Capital stock.

<hr style="width: 100px; margin-bottom: 10px;"/> <p>Inspectors and their powers.</p>	<p>dollars, in shares on one hundred dollars each, and may increase from time to time, in such mode and upon such condition as stockholders owning or representing a majority of shares may determine; Provided, said capital stock shall at no time exceed five hundred thousand dollars; that the first meeting called by said corporation may be, by any three persons named in this act, at such time and place as they may select; and at such meetings a board of directors shall be chosen among the stockholders present at such meeting, and such board of directors shall take charge of the operations of the company, subject to such rules and regulations as may be adopted by the stockholders, and such directors shall hold their office for one year, or until their successors are appointed, and may adopt such by-laws and regulations for the government of the concerns of said company as may be deemed expedient, to inconsistent with the rules made by the stockholders as aforesaid, nor with the Constitution of the United States, or of the State of Alabama.</p>
<p>Board and inspection thereof.</p>	<p>SEC. 3. <i>Be it further enacted,</i> That the directors shall cause a book to be kept, containing the names of all persons who are stockholders of said company, showing their places of residence and the number of shares of stock held by each respectively, and the time when they became respectively the owners of said shares, and the amount of stock actually paid in, which book shall, during the business of each secular day, be opened at the place of business of said company for the inspection of the stockholders and creditors of the company and their representatives.</p>
<p>Division and transfer.</p>	<p>SEC. 4. <i>Be it further enacted,</i> That the said corporation may divide their original stock into such number of shares and provide for the sale and transfer thereof in stack manner and form as they may deem expedient, and may levy and collect assessments, may forfeit and sell shares of delinquent stockholders, declare and pay dividends on the shares in said mines, in such manner as their by-laws may direct, and that nothing but money and mining property shall be regarded as a basis for capital stock.</p>
<p>Other powers.</p>	<p>SEC. 5. <i>Be it further enacted,</i> That all the stockholders not having paid their stock according to the terms of subscription, shall be individually, liable to the creditors of the company to the amount so remaining unpaid, and</p>
<p>Liabilities.</p>	

in like manner shall the directors be liable individually

for any amount they may declare, and authorized to be paid to the stockholders as dividends, when the company shall be unable to pay all the debts due by it to avoid such liability on his part. The dissenting director shall enter or cause to be entered on the minutes of the board his dissent thereto, or if not present when the act is done, he shall so record or cause to be recorded his dissent thereto, within thirty days after sch dividend shall be authorized.

Dissent.

SEC. 6. *Be it further enacted*, That the said company shall not construct any debts over and above the amount of capital stock paid in, no part of which shall be withdrawn, or in any way or manner divested from the business the company without the consent of three-fourths interest of the stockholders.

Restrictions.

SEC. 7. *Be it further enacted*, That the corporation shall have power to erect all necessary buildings and other apparatus for manufacturing cotton, flour and wool.

Buildings, &c.

SEC. 8. *Be it further enacted*, That this law shall take effect immediately after its passage.

Date.

Approved, January 23, 1866.

No. 122.]

AN ACT

To incorporate the city of Demopolis.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the town Demopolis, in the State of Alabama, shall hereafter be called the "city of Demopolis," and that the present and future inhabitants of said city, as by this act incorporated shall be, and they are by this act made and constituted a body corporate and politic under the name and style of the "city of Demopolis." under and by which name and style, and acting by and through the proper officers of said incorporation, hereafter to be designated, al the corporate powers and privileges of said city by this act granted or heretofore belonging to the town of Demopolis, shall be executed and carried into effect as required, and under its corporate name as aforesaid, the said city corporation shall sue and be sued, plead and be impleaded, answer and be answer-

Incorporated.

Name.

Powers.

ed unto, and may purchase, receive and hold and sell,



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	grant, alien and mortgage, assure or let property real or personal, may have and use a common seal which may be changed at pleasure, and may do and perform all acts incident to such incorporations not inconsistent with the laws of this State.
Corporate limits.	SEC. 2. <i>Be it further enacted,</i> That the corporate limits of the said city of Demopolis shall be the same as the limits of the town of Demopolis.
Style of government.	SEC. 3. <i>Be it further enacted,</i> That the government of said city shall be styled "The City Council of Demopolis," and shall consist of a chief officer to be styled "mayor of the city of Demopolis," and "five common councilmen," each to be elected by the qualified electors as prescribed by the acts of 1821 and 1859-60.
Qualified voters.	SEC. 4. <i>Be it further enacted,</i> That the elections for city officers shall be conducted in the manner and under the regulations prescribed in the charter of the town of Demopolis and the amendments thereof.
Manner of electing.	SEC. 5. <i>Be it further enacted,</i> That the said "city council of Demopolis," shall have power and authority to pass laws and ordinances of the government of the said city, not inconsistent with the constitution and laws of this State or the United States, and may enforce the same by fines, penalties, or imprisonment.
Laws and ordinances.	SEC. 6. <i>Be it further enacted,</i> That the said city council may levy and collect taxes on all articles or species of
Taxes.	property taxed by any acts of the general assembly, provided they do not in any year exceed two thousand dollars.
Liquor tax and powers therein.	SEC. 7. <i>Be it further enacted,</i> That the said city council may impose a tax upon the vending of spirituous or vinous liquors in said city, and may pass laws and ordinances to license, tax, regulate, restrain or prohibit the retailing or spirituous or vinous liquors in said city, and enforce the same by fines, penalties or imprisonment.
Who to try.	SEC. 8. <i>Be it further enacted,</i> That the mayor and council, or any four of them, shall try all cases arising under section seven.
Street working.	SEC. 9. <i>Be it further enacted,</i> That all person in said city liable to work on public roads may be required to work on the streets of said city for the same number of days, and under the same rules as persons out of the city limits are required to work on the public roads.
	SEC. 10. <i>Be it further enacted,</i> that owners of lots on

Side walks.

the public streets in said city may be required to have

side-walks in front of said lots, or to be taxed not exceeding twenty-five dollars.

SEC. 11. *Be it further enacted*, That all laws heretofore passed incorporating the town of Demopolis and not repugnant to this act shall be applicable to the said city of Demopolis, and all the ordinances and regulations of the intendent and council of the town of Demopolis heretofore made, shall be applicable to the said city of Demopolis, and shall remain in full force until repealed, or altered by said city council of Demopolis.

Application of former laws.

Repealed.

SEC. 12. *Be it further enacted*, That all laws or parts of laws which may contravene any of the provisions of this act, shall be and the same are hereby repealed; Provided, the qualified voters within the corporate limits of the proposed city of Demopolis may, after five days public notice, hold an election, and vote upon the proposition of ratifying the city charter- if a majority of those qualified to vote for representatives to the general assembly shall ratify the same, then this act shall go into effect, otherwise it shall be null and void.

Proviso.

Ratification.

Approved, January 26, 1866.

No. 123.]

AN ACT

To repeal in part "An act to incorporate the Girard Railroad Company," approved January 21, 1865.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the proviso to the sixteenth section of an act to incorporate the Girard Railroad Company, approved 21st January, 1846, in the words following, to-wit; "Provided, That the said company shall not charge for transporting on said road more than the rate of one-half of one per cent. per mile, for every hundred weight, nor more than six cents for every passenger per mile," be and the same is hereby repealed; Provided, further, That nothing herein contained shall prevent any future legislature of this State from repealing, altering or amending this act, so as to reduce the rates of milage and transportation on said road.

Repealed.

Proviso.

Approved, January 23, 1866.

No. 124.]

AN ACT

To incorporate the "Tennessee Valley Oil and Mining Company."

Incorporators.	SECTION 1. <i>Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,</i> That Thomas A. Nelson, Edward B. Deloney, Owen O. Nelson, William R. McClure, B. O. Musterson, and William A. Nelson, and their associates and successors are hereby constituted a body politic and corporate by the name of the "Tennessee Valley Oil and Mining Company," for the purpose of mining and excavating for coal, oil or other mineral substances, and vending the same, and for such purposes may erect buildings and fixtures for carrying on their operations, as well as for building all such roads as they may deem necessary to transport their oil, coal, &c., to market; and by their corporate name may sue and be sued, plead and be impleaded, in any court of law or equity; may hold and possess property for carrying out their purposes, and have and use a common seal, and the same alter at pleasure; and may sell and convey real or personal property.
Names and purposes.	
Powers.	
Capital stock.	SEC. 2. <i>Be it further enacted,</i> That the capital stock of said company shall be one hundred thousand dollars, and may be increased at the option of the board of directors to five hundred thousand dollars in shares of one hundred dollars each.
Notice, time and place of meeting.	SEC. 3. <i>Be it further enacted,</i> That any three of the corporators named in the first section of this act, may call a meeting of the board of corporators by giving ten days public notice of such meeting, and appoint a time and place for holding the same in the town of Tusculumbia, Franklin county; that any three of said corporators shall constitute a board for the purpose of electing seven directors to take control of, and manage the affairs of said company, Said board of directors shall elect one of their number to act as President of the board, and he
President and Directors.	shall continue to hold his office of one year from the date of his election, or until his successor shall be appointed. The board of directors shall continue in office for one year, or until their successors are elected by the stockholders of said company, each share of stock being entitled to one vote.

SEC. 4. *Be it further enacted*, That the board of direc-

tors shall have power to make such rules and by-laws for the government of the company as may seem best to promote the interest of the same, and to establish rules for the transfer of the stock, and for the declaration or payment of dividends.

Rules and By-laws.

SEC. 5. *Be it further enacted*, That this act shall take effect from and after its passage.

Date.

Approved, January 23, 1866.

No. 125.]

AN ACT

To incorporate "The Travellers' Insurance Company of Alabama."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That M. J. A. Keith, W. H. Fellows, W. S. Knox, and James W. Lapsley, and their associates, be and they are hereby constituted a body corporate under the name and style of "The Travellers' Insurance Company of Alabama," and by that name shall be capable of suing and being sued in all the courts of this State, of purchasing, holding and conveying property of all descriptions, of making and using a common seal, and of doing any act necessary to carry into effect the objects of the corporation, not inconsistent with the constitution and laws of this State.

Corporators.

Name.

Powers.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be one hundred thousand dollars, divided into shares on one hundred dollars each, to be called in and become due in such installments and at such times as the board of directors may be resolution direct. The said stock shall be deemed and held as personal property, and if any stockholder shall neglect or refuse to pay any installment that may be called for, within ten days after he shall be notified in writing of the amount of such installment, his stock may be sold at public notice by advertisement of such sale for five days in some newspaper, published in Selma, being given; and such stockholder shall be liable for the balance due by him as stockholder to the company as it becomes due, and may be sued therefor in the circuit court of Dallas county, or the city

Capital stock.

Neglect to pay and consequences.

court of Selma, whether he lives in Dallas county or not.

Books of sub-  
sage of this act,  
to open books of  
subscription to the

Directors and  
manner of elect-  
ing.

President  
agents and by-  
make such by-  
laws for the govern-  
ment of the company

Powers in in-  
suring.

SEC. 3. *Be it further enacted,* That it shall be lawful for the corporators above named, at any time after the pas- sage of this act, to open books of subscription to the capital stock of the company, and when as much as fifty thousand dollars shall have been subscribed, the subscri- bers may proceed to elect five directors, who shall be em- powered to manage the business of the company, and who shall hld their offices until their successors are elec- ted. In said election, each subscriber shall be entitled to cast one vote for each share of stock he may hold or represent. The board of directors may elect one of their number President, and appoint such other agents and make such by-laws for the government of the company as to them may seem necessary.

SEC. 4. *Be it further enacted,* That said company shall have power to insure against any and all accidental inju- ries affecting the life, health or bodies of persons, upon such terms and conditions as to the said company, and the parties ensured may seem proper; and it may be law- ful for the policies issued by said company, to contain stipulations that the insurance shall not be for the benefit or liable to the claims of the creditors of the parties in- sured, or in case of death, to the benefit of their direct family and kindred.

Approved, January 26, 1866.

No. 126.]

AN ACT

To incorporate the Tennessee River, and North Alabama Mining and Manufacturing Company.

Corporators.

Name and pur-  
pose.

Powers and

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assem- bly convened,* That John Lamsden, James Cox, D. F. Wilkin, James Chamberlain and Player Martin, their associates and successors, are hereby constituted a body politic and corporate, with the right of succession by the name of "The Tennessee River and North Alabama Mining and Manufacturing Company," for the purpose of exploring, boring, digging and working for copper, lead, zinc, gold, silver, iron, coal, rock, oil, slate, petroleum, salt, and other ores, metals, minerals, oils and liquids, and



privileges.

for such purposes may erect all necessary buildings, fur-

naces, engines, machinery, depots, and other apparatus and fixtures for carrying on the operations of mining, working, smelting, assaying, and refining, and vending the same; and by that name may sue and be sued, plead and be impleaded; prosecute and defend in any court of law or equity in all suits and actions; may have a common seal, the same alter and renew at pleasure, and may enjoy all the privileges incident to corporations; and may purchase, hold, own, mortgage, lease, transfer and convey any real and personal estate.

SEC. 1. *Be it further enacted,* that the persons hereinbefore incorporated, or a majority of them, may organize said company by electing a board of directors, to consist of five members, who shall elect one of their number president, shall have the power to elect all other officers necessary to carry out the purposes of this incorporation, fix salaries and generally to act for the company. That said board shall continue in office such time as the persons electing the same may determine, not exceeding one year, and until their successors are elected by the stockholders. To adopt such by-laws for the government of the affairs of said company, as to them may seem meet and proper, not inconsistent with the laws of the United States and of this State.

President and directors and their powers.

SEC. 3. *Be it further enacted,* That the capital stock of said company shall not be less than one hundred thousand dollars, and may be increased at the will of the board of directors to any sum from time to time, not to exceed one million dollars. That said stock shall be divided into shares of one hundred dollars each. The board of directors shall provide for the sale and transfer of the same, in such manner and form as they may deem expedient; may levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends on the shares in said company, in such manner as their by-laws may direct.

Capital stock.

Division of shares.

Further powers.

SEC. 4. *Be it further enacted,* That all subsequent boards of directors shall be elected by the stockholders, each of whom shall be entitled to one vote for every share of stock owned by him or her. That said board shall have all the power before granted, and shall continue in office for one year or until their successors are elected. The stockholders may vote in person or by proxy. A majority of the directors shall constitute a

Manner of electing, and term of office.

quorum to do business.

Liability.

SEC. 5. *Be it further enacted*, That the stock may be subscribed to and received by the board of directors, in money or other property, personal and real, at valuation; and that the stockholders be individually liable for the amount of stock subscribed by him or her, until the same is paid in money or by the receipt of property subscribed as hereinbefore stated.

Date.

SEC. 6. *Be it further enacted*, That this act shall take effect from and after its passage.  
Approved, January 23, 1866.

No. 127.]

AN ACT

To repeal section fifteen (15) of “An Act to incorporate the town of Union Springs, in Macon county,” approved February 6th, 1858.

Repeal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That section fifteen (15) of “an act to incorporate the town of Union Springs, in Macon county,” approved February 6th, 1858, be, and the same is hereby repealed,  
Approved, January 23, 1866.

No. 128.]

AN ACT

To amend “An Act entitled an act to incorporate the Dayton Female Academy, in the town of Dayton, Marengo county.”

Repeal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, that section 9 of an act entitled “an act to incorporate the Dayton Female Academy in the town of Dayton, Marengo county,” approved February 7th, 1860, be, and the same is hereby repealed.  
Approved, January 18th, 1866.

No. 129.]

AN ACT

To amend an act to incorporate the City Savings Association of Mobile, approved November 11, 1861.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section eight of the act to incorporate the city savings association of Mobile, approved November 11th, 1861, which section is as follows, to-wit: "Section 8. Be it further enacted, That the capital of said association may be increased to a sum not exceeding one hundred thousand dollars; provided, that said association is not authorized to sell or purchase stock on time, and that the charter hereby granted shall be limited to the period of twenty years from the time said association shall be established, and the charter hereby granted shall be null and void unless it shall be put in operation in one year from the passage of this act," be amended so that the capital stock may be increased to two hundred thousand dollars, and that the charter be limited to the period of thirty years from the time of putting the same in operation, which may be done within one year from the passage of this act.

Approved, January 22, 1866.

Amendmen

Stock increased.  
Limitation of charter.

No. 130.]

AN ACT

To incorporate the "Southern Rock Oil Company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That James M. B. Roach, Alfred H. Roebeck, Andrew J. Cross, Jr., Rufas M. Cross, H. Hagood, Edward F. Lee, and their associates and successors, be and they are hereby created a body politic and corporate under the name and style of the "Souther Rock Oil Company," and in that name to be capable of sueing and being sued, to plead and be impleaded, to purchase, hold or convey estates, either real, personal or mixed; to have a common seal, and to do any and every act usually authorized by the general assembly in such cases, and to such bodies

Corporators.

Powers.

politic.

Powers.

SEC. 2. *Be it further enacted*, That said corporation shall be authorized to lease or purchase lands in the Alabama coal fields, in the State of Alabama, on such terms as may be agreed, for the purpose of mining and boring for petroleum or coal oil.

Officers.

SEC. 3. *Be it further enacted*, That said corporation shall have power to elect from its members a board of directors, a president, secretary and treasurer, or such other officers as to them may seem proper, and to prescribe their duties, and to determine their compensation. Approved, January 22, 1866.

No. 131.]

AN ACT

To renew the charter of the town of Courtland, Lawrence county, approved December 13th, 1819.

Charter re-  
newed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an act entitled "An act to charter the town of Courtland, Lawrence county," approved December 13th, 1819, be and the same is hereby re-enacted; and said charter shall be and remain in full force form and after the approval of this act for the term of (30) years; and any forfeiture of said charter, or amendments thereto by reason of non-use, is hereby waived. Approved, January 23, 1866.

No. 132.]

AN ACT

To amend section 1st of "An act to incorporate the Grand Commandery of Knights Templars and the appendant orders of the State of Alabama," approved December 9th, 1861.

Preamble.

Whereas, section 1st of an act entitled "An act to incorporate the Grand Commandery of Knights Templars and the appendant orders of the State of Alabama," approved December 9th, 1861, is in the words following, to-wit: "Section 1st. Be it enacted by the Senate and

House of Representatives of the State of Alabama in



General Assembly convened, That Richard F. Knott, grand commander, Sterling A. Wood, deputy grand commander, James B. Harrison, grand generalissimo, and Peleg Brown, grand captain general of said grand commandery, and their successors in office, be and they are hereby incorporated by the name of 'The Grand Commandery of Knights Templar and the appendant orders of the State of Alabama,' and by that name shall have capacity to sue and be sued, implead and be impleaded in any and all the courts of this State, to contract and be contracted with, to have a common seal, and to alter the same at pleasure; and its four principal officers above named shall have perpetual succession, and may grant dispensations and charters to subordinate commanderies, to be subject to and under its knightly jurisdiction, and make, ordain and establish its constitution, statutes and regulations, not inconsistent with the constitution or laws of the State of Alabama, or the Confederate States, and may acquire, hold and enjoy so much real estate as may be necessary for the erection of proper buildings for carrying on and conducting its business, and in the making of such buildings, may erect store-rooms and offices in the lower stories thereof, and rent out the same and collect the rent, and hold or loan the same, as it may desire, subject to the regulations hereinafter prescribed."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the words "Confederate States," where they occur in the above section, be stricken out, and the words United States inserted in lieu thereof.

Amendment

SEC. 2. *Be it further enacted,* That said act, thus amended, be and the same is hereby re-enacted, with all the duties, powers and privileges therein contained.

Re-enacts

Approved, January 18, 1866.

No. 133.]

AN ACT

To incorporate the Mount Zion Methodist Church, in Perry county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assem-*

*bly convened*, That from and after the first day of July,

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Corporators.	A. D., 1866, Richard Tucker, Daniel Chesterbury, A. G. Sadlock, Issac Gayle, James A. Dunklin, be, and they are hereby constituted a body corporate, under the name and style of "The Trustees of Mount Zion Methodist
Name.	Chruch of Perry County," and by that name may sue and be sued, plead and be impleaded.
Rights.	SEC. 2. <i>Be it further enacted</i> , that the trustees of the said Mount Zion Methodist Church, shall have the right to hold property, both real and persons, to the amount of five thousand dollars.
Restriction of lawful liquors.	SEC. 3. <i>Be it further enacted</i> , That it shall be un- for any person or persons to sell or give away any vinous or spirituous liquors, except for medical proposed, in less quantities than one quart, within two miles of said Mount Zion Church, and may person violating the provisions of this section, shall be guilty of a misdemea- or, and, on conviction, shall be fined not less than fifty dollars, the solicitor's fee to be the same as in other re- tailing cases.
Penalty.	SEC. 4. <i>Be it further enacted</i> , That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.
Repealed.	Approved, January 31, 1866.

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 No. 134.]

AN ACT

To incorporate the town of Mount Andrew in the county of Barbour.

Incorporation.	SECTION 1. <i>Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assem- bly convened</i> , That the town of Mount Andrew, in the county of Barbour, be and the same is hereby incorpor- ated, with all the privileges and immunities belonging to incorporated towns, and the corporate limits of said town shall include one mile square or less.
Boundary.	SEC. 2 . <i>Be it further enacted</i> , That Lewis Lindsey, E. Voohees, R. E. Brown, C. A. parker, and William Mays, or a majority of them, be and they are hereby authorized to hold an election in said town on the first day of March next, or within thirty days thereafter, for an intendand and three councilmen, who shall hold their
Election of officers.	

office for and during the term of one year, and said elec-

tions shall be held annually, on the first Monday in March in each year, by the qualified voters of the town or corporation.

SEC. 3. *Be it further enacted*, that said intendant and councilmen may regulate the sale of spirituous liquors within said corporation, in any manner not in conflict with the laws of the State.

Approved, January 18, 1866.

Spirituos  
liquors.

No. 135.]

AN ACT

To re-enact the laws incorporating the town of Carrolton, in Pickens County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That all the acts of the General Assembly of this State, incorporating the town of Carrolton, in Pickens county, and all acts amendatory thereof, are hereby re-enacted as they were of force on the eleventh day of January, 1861; and the voting inhabitants of said town and vicinity may proceed to the election and re-organization of their board of intendant and councilman, as they were authorized to do by the laws hereby re-enacted.

Approved, December 11, 1865.

Re-enacts.

No. 136.]

AN ACT

To explain sections six and twenty of the charter of the City of Mobile.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, that sections six and twenty of the charter of the city of Mobile shall not be so construed as to render ineligible to office any person whose engagement in the public service during the late war, or who from being a prisoner of war, on parole, or otherwise, or who from the vicissitudes of said war, may have been pre-

Construation  
of certain sections.

vented from the strict and literal compliance with the  
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 Proviso.

requirements of said sections; Provided, The said person shall have been eligible to said office before engaging in the public service aforesaid.  
Approved, December 9, 1865.

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 No. 137.]

## AN ACT

To amend an act entitled “An act to incorporate the North-east and South-west Alabama Railroad Company, so as to authorize said corporation to sell and transfer its franchise, assets, &c.”

Amendment.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the twenty-first section of an act, entitled “An act to incorporate the North-east and South-west Alabama Railroad Company,” approved December 12, 1853, which section is in the following words, to-wit: “Be it further enacted, That the president and directors of the corporation shall have power to borrow money for the purpose of constructing said road, and to carry into effect the objects of the corporation, and make the necessary bonds, notes, or other securities as evidences of the said debt, and also to mortgage or pledge the property of the corporation to secure the payment thereof, but no sum exceeding one hundred thousand dollars shall be borrowed without the consent of a majority, in value, of the stockholders who may attend at a general meeting of the stockholder of the corporation,” be, and the same is hereby revised and amended so as to authorize the President and directors, with the consent of a majority, in value, of the stockholders of the corporation, to sell al the assets, rights, credits, estate, real and personal, and the franchise of said corporation, and make proper transfers and titles to purchases thereof; Provided, That no such sale or transfer shall be valid in law that does not place as secure a footing as they were previous thereto.  
Approved, December 9, 1865.

Proviso.

No. 138.]

AN ACT

To amend the charter of the town of Gainesville, and to confirm an election.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an election for councillors in and for the town of Gainesville, in Sumter county, held on the 25<sup>th</sup> day of April, A. D. 1864, and the official acts of those then elected, be in all things ratified and confirmed, and have effect as if said election had been held within the time prescribed by the charter.

Ratifying and confirming election.

SEC. 2. *Be it further enacted,* That the municipal year in said town shall be from the first Monday in January in one year, to the first Monday in January in the year next succeeding, and an annual election for town officers for each year shall be held on the first Monday in December next preceding, or so soon thereafter as may be; and elections may be held to supply vacancies as they occur.

Municipal year and elections.

SEC. 3. *Be it further enacted,* That whenever the intendant and council shall neglect to call an annual election as provided for in the charter as now amended, each one neglecting shall be subject to a penalty of fifty dollars, to be recovered before a justice of the peace, at the suit of any legal voter in said town, one-half to the use of the party suing, and the other half to the use of the town.

Penalty for not calling election.

SEC. 4. *Be it further enacted,* that the intendant and council of said town may adopt suitable ordinances and regulations to prevent and punish vagrancy in said town, and putting those who are vagrant and idle in said town, and not having other means of support, to useful employment, and prevent their return to vagrancy in said town by suitable security, punishment, or restraint.

Prevention and punishment of vagrants.

Approved, December 11, 1865.

No. 139.]

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AN ACT

To amend "An act incorporating the Prattville Male and Female Academy in the county of Autauga."

SECTION 1. *Be it enacted by the Senate and House of*



*Representatives of the State of Alabama in General Assem-*

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Repeal.	<p><i>bly convened</i>, That the fifty section of an act entitled “An act to incorporate the Prattville Male and Female Academy, in the county of Autauga,” approved the 23d day of February, 1860, which provides as follows, to-wit: “That it shall not be lawful for any person to sell spirituous liquors in less quantities than in five gallons at any point within one mile or less of the said academy, except for medical purposes, and if any person shall sell spirituous liquors or wines in violation of this section ,such persons shall be subject to indictment, and, on conviction, may be fined in a sum of not less than five hundred dollars, nor more than one thousand dollars for each and every such offense,” be, and the same is hereby repealed.</p>
May sell by quart.	<p>SEC. 2. <i>Be it further enacted</i>, That it shall not be lawful for any person to sell vinous or spirituous liquors in less quantities than in one quart within the corporate limits of the town of Prattville, in the county of Autauga, except for medical purposes, and if any person shall sell vinous or spirituous liquors in violation of this section, such persons shall be subject to indictment, and, on conviction, may be fined in a sum of not less than five hundred and not more than one thousand dollars for each and every such offense.</p>
Penalty.	<p>SEC. 3. <i>Be it further enacted</i>, That the corporate authorities of said town of Prattville may grant license to person or persons to sell vinous, spirituous, or malt liquors within the corporate limits of said town, in quantities of one quart and upwards, upon such terms and conditions as they may think proper, and charge any sum for such license not exceeding two hundred dollars.</p>
License.	<p>SEC. 4. <i>Be it further enacted</i>, That it shall not be lawful for any person to sell vinous, spirituous or malt liquors in any quantity, or for any purpose, within the corporate limits of said town, without having first obtained a license from the corporate authorities of said town, and any persons violating the provisions of this section, shall, on conviction, be fined in the sum of five hundred dollars, and imprisoned in the county jail not less than one, nor exceeding three months.</p>
Penalty for selling without license.	<p>SEC. 5. <i>Be it further enacted</i>, That the corporate authorities of said town of Prattville shall have power to</p>
Powers of cor- porate authori-	<p>impose fines not exceeding one hundred dollars, and imprison not exceeding thirty days, for a violation of any</p>

ties.

ordinance which they have, or may pass, relating to the sale of vinous, spirituous, or malt liquors.

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SEC. 6. *Be it further enacted*, that the sale of vinous, spirituous, or malt liquors by the bottle, in bottles usually denominated quart bottles, in the said town of Prattville, shall not be construed as a violation of the provisions of this act, provided said bottles are full at the time they are sold.

Quart bottles.

Approved, December 15, 1865.

No. 140.]

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AN ACT

To incorporate The Selma Fire and Marine Insurance Company of the city of Selma.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That three be established in the city of Selma, a company for the purpose of transacting the business of marine, inland, and general insurance, which company shall be called and known by the name of "The Selma Fire and Marine Insurance Company;" and all such persons as shall be stockholders of the said company, and their successors, shall and may have continual succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatever; and they and their successors may have a common seal, and may change and alter the same at pleasure; and also, the and their successors, by the name and title of "The Selma Fire and Marine Insurance Company," shall be in law capable of purchasing, and holding, and conveying all kinds of estate whatever, real or personal, for the use of said corporation, subject to the restrictions hereinafter mentioned; that the capital stock of said corporation shall not exceed five hundred thousand dollars, divided into five thousand shares of one hundred dollars each, twenty-five dollars in the hundred to be paid at the time of subscribing, and the remainder by such installments as the directors shall appoint; Provided, however, That the first board of directors, to be chosen as hereinafter directed, shall within one month after their appointment, take good

Incorporation.

Name and title.

Capital stock.

and satisfactory security, to consist, either in bank or

How secured.

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other stock, at two-thirds of the value thereof in market, or deeds of trust on real estate within the city of Selma, at not exceeding two-thirds of its cash value, exclusive of building, unless the same be insured for the said remaining amount of stock unpaid at the time of subscribing as aforesaid, whenever it shall be deemed expedient to call for the same; or satisfactory notes for the said balance unpaid.

SEC. 2. *Be it further enacted*, That it shall be lawful for the president and directors of the said company, or a majority of them, to alter and change the securities to be taken as aforesaid, from time to time, for securities of the same nature as they may deem expedient.

SEC. 3. *Be it further enacted*, That subscriptions shall be opened for the said shares after thirty days notice shall have been given in a newspaper published in the city of Selma, under the superintendence of J. C. Graham, John Robbins, H. H. Bender, Thos. Pettus, Jno. M. Parkman, Jno. W. Lapsley, Andrew Boyle, C. B. Woods and Geo. O. Baker, or any four of the, which said subscription shall continue open until the sum of one hundred thousand dollars be subscribed; but no share or shares shall entitle the holder to vote at any election, unless the same shall have been held by him, or her, at least fifteen days next immediately before such election.

SEC. 4. *Be it further enacted*, That there shall be chosen seven directors who shall hold their office for one year and until their successors be qualified; which directors, at the time of their election, and during their continuance in office, shall be holders in their own right, of

at least ten shares, and shall be elected annually, after the first election, at the office of said company, or any other convenient place in the city of Selma, and at such time of the day as the president of the company shall appoint; of which election notice shall be given in a newspaper published in the city of Selma, at least seven days next before said election; and said election shall be by ballot, and in person or by proxy; and each stockholder shall be entitled for every share, to one vote, and that if no election take place on any such day the president may order the same from time to time, until an election be effected; Provided, That same be done within sixty days thereafter.

SEC. 5. *Be it further enacted*, That the directors of said

Manner of  
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company, in the first instance, shall be chosen in the following manner, viz: So soon as one hundred thousand

dollars shall be subscribed, the said Jno. C. Graham, H. H. Bender, Jno. Robbins, Thos. Pettus, Jno. M. Parkman, Jno. W. Lapsley, Andrew Boyle, Chas. B. Woods, and Geo. O. Baker, before named, shall appoint a place within the city of Selma, for proceeding to the election of said seven directors, and shall give at least seven days' notice of the same, in a newspaper published in said city, and it shall be lawful for said election to be then and there holden by the subscribing stockholders, by ballot, under the before mentioned persons, or a majority of them, and the persons then and there chosen, shall be the first directors, and shall serve for one year, and until their successors are qualified; that they shall meet as soon as convenient after their election, and choose out of their own body a president, who shall serve until another board, by election, be qualified, and in case of vacancy by resignation or otherwise, the directors shall choose another of their body in like manner.

President.

SEC. 6. *Be it further enacted*, That in case of vacancies occurring in the board of directors of said company, caused by resignation or otherwise, it may be lawful for the remaining director to fill vacancies by electing any stockholder qualified for said office; Provided, That no vacancies can be declared to occur on account of absence, unless such absence shall extend beyond three months without the sanction of the board of directors having been first obtained, and that not less than five directors, including the president, be present at any meeting to fill vacancies.

Vacancies, how filled.

SEC. 7. *Be it further enacted*, That the board of directors of said company shall have full power to regulate the number of their body necessary to transact the general business of the company, which number shall have full power and authority on behalf of the corporation to make general insurance upon vessels, buildings, freights, money, and on all goods, wares and merchandise, and to fix premiums for the same; also, to transact all such matters as appertain to an insurance company,— and all policies by them made shall be subscribed by the president, and countersigned by the secretary, and shall be binding and obligatory upon the said corporation in like manner, and with like force, as if under the seal of the said corporation.

Proviso.

General powers.

Obligation.



SEC. 8. *Be it further enacted,* That in case of sickness or absence of the president of said company from the

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Deputing a President.	city of Selma, his place may be supplied by another director, whom, under his hand, in writing, he shall depute for that purpose, and the director so deputed, may do and transact all the necessary business belonging to the office of president of the company, under the name of president, <i>pro tem.</i> , during the continuance of the sickness or absence of the president.
Stated meetings.	SEC. 9. <i>Be it further enacted,</i> That there shall be two general stated meetings of the directors in every year, at which time they shall examine the accounts and make a dividend of such of the gains as a majority of them may deem proper and advisable.
Dividends.	SEC. 10. <i>Be it further enacted,</i> That the lands, tenements, and hereditaments, and goods and chattels, which it may be lawful for the said corporation to hold, shall be such as may be requisite for its accommodations in its business, and such as may be "bona fide" mortgaged to said corporation by way of security, and which may be conveyed to it in discharge of debts due said corporation, and which may be bought at sale on judgments or decrees in favor of said corporation; Provided, That the
Property.	Disposition of said corporation shall not hold lands, tenements, hereditaments, or goods and chattels, other than those which may be necessary for the accommodation of the said corporation, longer than they can conveniently dispose of the same, which shall in no event exceed five years.
Limitation of power.	SEC. 11. <i>Be it further enacted,</i> That said corporation shall not deal in any goods, wares, or merchandise whatever, nor shall have or exercise banking privileges.
Insurance when made.	SEC. 12. <i>Be it further enacted,</i> That no insurance shall be made until the securities provided for by this act, shall have been given, and if within sixty days after subscribing, any stockholder shall neglect to furnish said security for the stock remaining on each share, he shall forfeit his first payment.
Forfeiture.	SEC. 13. <i>Be it further enacted,</i> That on the first day on which the subscription shall be opened, no person shall be permitted, in his own right, to subscribe for more than fifty shares of stock.
Limitation of subscription.	SEC. 14. <i>Be it further enacted,</i> That no tax shall be levied on the stock or gains of said corporation higher than in now or hereafter may be levied on the stock or gains of similar institutions of the State.
Tax.	

SEC. 15. *Be it further enacted,* That all contracts for the payment of money by the said corporation, shall be

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under the seal of the same, and shall be taken to operate as specialties at law.

Seal.

SEC. 16. *Be it further enacted,* That any stock in said Selma Fire and Marine Insurance Company, owned by person or persons indebted to said company, shall at the option of the directors of said company, be held as security until said indebtedness shall be discharged; and in case of failure of payment of said indebtedness, within thirty days after maturity of same, the directors shall have the power to sell the said stock, or as much thereof as will satisfy the said indebtedness, by advertising the same for ten days prior to sale in any newspaper published in the city of Selma, and without any further notice to the owner thereof.

Non-payment of stock and its consequences.

SEC. 17. *Be it further enacted,* That this act shall continue to be in force for, and during thirty years for the day on which it may be approved by his excellency, the governor; Provided, That it any tax be levied in the manner aforesaid, be refused to be paid, the said corporation shall forfeit its charter, and each director who may vote for such refusal, shall be individually responsible for the same.

Limit of charter.

When forfeited.

Approved, December 11, 1865.

No. 141.] -----  
AN ACT

To amend an act incorporating the town of Newborn in Greene county, so as to invest the Intendant with the powers of Justice of the Peace.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the act of incorporating the town of Newborn in Greene county, approved December 14<sup>th</sup>, 1859, be, and the same is hereby amended by the addition thereto of the following section, to be denominated and styled the ninth section of said act of incorporation, viz: That the intendant shall be, and is hereby vested ex-officio with and may exercise all the powers and authority that belongs to justices of the peace, by the laws of this State, and the said intendant shall be liable to all the

Amendment.

Intendant ex-officio justice of the peace.

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same penalties and restrictions as are imposed by the laws of this State upon justices of the peace.  
Approved, December 9, 1865.

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No. 142.]                      AN ACT

To incorporate the town of Bluffton, in the county of Chamber.

Defines corporate limits.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the town of Bluffton, in the county of Chambers, directly opposite and adjoining the city of West Point, Georgia, on the State line, be and same is hereby incorporated, and the corporate limits of said town shall be as follows, to-wit: beginning at the State line, where it crosses the Osalega creek, thence due south along the State line to the chattahoochee river, thence down said river to Reese's Sharp's, and Walker's line, thence due west along said line one-half mile, thence due north to said Osalega creek, thence in an east direction down said creek, to beginning point at State line.

Intendant and five councilmen to be elected.

SEC. 2. *Be it further enacted,* That an election shall be held on the first Monday in January, 1866, in said town of Bluffton, or as early thereafter as practicable, to commence at 11 o'clock, A. M., and close at 3 o'clock, P. M., for the purpose of electing five councilors and one intendant of said town, who shall serve for the term of one-year, and until their successors in office are duly elected and qualified, which said election shall be held by a justice of the peace, assisted by two freeholders of said town, and all subsequent elections for intendant and councilors shall be held on the first Monday in January each and every year, due notice being given by the acting intendant. Said elections to be held by said intendant and two of said councilors, and in the absence of the intendant, by a majority of councilmen. The said notice of said elections to be given for ten days by posting written notices. All persons within the above describe limits of said town shall be entitled to vote for the election of said intendant and councilmen, who are legal voters for members to the general assembly in the State of Alabama.

Intendant ex-officio justice of

peace.

Said intendant shall, in said town, be ex-officio a justice

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of the peace within the limits of the same, and have all the jurisdiction, both criminal and civil, that justices have by the laws of the State.

SEC. 3. *Be it further enacted,* That the said intendant and councilmen shall have power to elect and appoint a constable and clerk of said corporation, said constable to be required to do and perform all the duties enjoined upon constables in the State of Alabama, and shall be required to enter into bond payable to the intendant and his successors, with security to be approved by said intendant, in such penal sum as may be ordered by the council, conditioned for the faithful performance of his duties as such constable. Said intendant, councilmen, constable and clerk shall, severally, before they enter upon the discharge of their duties, subscribe and take the following oath, to-wit: I, A. B. (as the case may be, intendant, councilmen, clerk and constable,) do solemnly swear that I will, to the best of my skill and ability, discharge all the duties incumbent on me, so help me God. A certificate of which oath shall be filed with the records of the board, and it shall be the duty of the intendant to preside at all meetings of the council, and preserve order and decorum. and in his absence or incapacity, any councilman may be called to the chair; and the said intendant and councilmen are hereby constituted a body politic and corporate, by the name and style of the intendant and councilmen of the town of Bluffton, by which name the and their successors in office shall be capable of suing and being sued, of pleading and being impleaded in all manner of suits either in law or equity, and in general to do and perform all acts which are usually incident to bodies corporate, to purchase and hold, or dispose of for the benefit of said town, real, personal and mixed property to the value of ten thousand dollars.

Duty of constable and clerk.

Shall give

Oath of office.

Name and style of corporation.

Privileges.

SEC. 4. *Be it further enacted,* That the intendant and councilmen, or a majority of the, are hereby invested with full power to keep open and in good repair, the streets and alleys of said town, to preserve the peace and good order, to fine in cases of assaults and battery, and affrays, and petit offenses and misdemeanors generally, in any sum not exceeding fifty dollars, that may be provided for by by-laws of said corporation, to prevent and remove nuisance, gaming of every description, to establish night-

Powers of intendant and councilmen.

watches and patrols, and to punish for neglect of patrol  
duty; to restrain or tax shows or exhibitions, and the



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sale of spirituous liquors in said town, and to impose a fine, not exceeding fifty dollars for every violation of the by-laws, for the purpose of carrying into effect the powers herein granted, and all other purposes necessary for the good government of said town, not inconsistent with the laws of the State, which said powers are hereby conferred upon said corporation.

May levy tax.

SEC. 5. *Be it further enacted,* That the intendant and councilmen of said town shall have power to levy a tax on the inhabitants and property of said town, to raise money for the purpose of properly governing and managing the affairs of said corporation.

Duties of clerk, constable and treasurer.

SEC. 6. *Be it further enacted,* That it shall be the duty of the clerk to issue all executions for fines and taxes, which may necessary, signing the same, and to hand or deliver the same to the constable, whose duty it shall be to collect and pay over the same to the treasurer, which said treasurer shall be elected or appointed by the intendant and councilmen, as the clerk and constable, and who shall give bond in such sum as may be ordered by said council, payable to the intendant and his successors in office, conditioned for the faithful performance of his duties as such treasurer, with security to be approved by said intendant.

Power to remove from office.

SEC. 7. *Be it further enacted,* That the intendant and councilmen shall have power to remove from office the clerk, treasurer, and constable, upon satisfactory reasons, and appoint others, and to fix the salaries of such officers, as in their judgment they may deem sufficient.

Approved, December 7, 1865.

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No. 143.]                      AN ACT

To incorporate the Pleasant Ridge Male Academy, in the county of Greene.

Incorporation.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That A. E. Archibald, E. A. Archibald, and C. P. Sanders, of the county of Greene, they, and their associates and successors in office, be, and they are hereby constituted a body corporate and politic in deed and in

law, by the name and style of the “Pleasant Ridge Male

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Academy," and by that name may sue and be sued, plead and be impleaded, answer and be answered unto, in all kinds of actions, both in law and equity; may receive donations, purchase property of all kinds, whether real, or personal, or mixed, for the sole use and benefit of the said institution, the same to hold, use or dispose of at pleasure, and have and use a common seal; they shall further be empowered to make such rules, regulations and by-laws for the good government of said institution as may be necessary, the same not being repugnant to the Constitution of the State of Alabama, or the laws thereof.

Powers.

SEC. 2. *Be it further enacted*, That from and after the passage of this act it shall not be lawful for ay person or persons to retail or sell in any quantities, spirituous or intoxicating liquors within two miles or less of said academy, except for sacramental or medicinal purposes, and any person or persons offending against the provisions of this section, shall be deemed guilty of a misdemeanor, and, on conviction, upon indictment in the circuit court, shall be fined in a sum of not less than one, nor more than five hundred dollars, at the discretion of the jury trying the same.

Liquors not to be sold within two miles.

SEC. 3. *Be it further enacted*, That should any person violate the second section of this act, from whom the fine specified cannot be collected by due process of law, the person so violating said section shall be imprisoned in the county jail for the term of not less than three, nor more than six month, for such violation.

When to be imprisoned.

SEC. 4. *Be it further enacted*, That all laws and parts of laws inconsistent with this act are hereby repealed.

Repeal.

Approved, December 14, 1865.

No. 144.]

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AN ACT

To incorporate the Mobile Trade Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Price Williams, John R. Tompkins, Michael Threefoot, B. F. Ray, F. B. Clarke, Price Williams, Jr., and their associates and successors, be, and they are hereby created a body politic and corporate, un-

Incorporation.

der the name and style of the “Mobile Trade Company,”

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Capital stock and how paid.	<p>and in that name to be capable of suing and be sued, and to have and exercise, use and enjoy, all the rights, prerogatives, privileges, protection and immunities which have been conferred upon and secured to the incorporators of the "Alabama Direct Trade and Exchange Company," in the act of incorporation, and all amendatory acts of the same, in every respect.</p> <p>SEC. 2. <i>Be it further enacted</i>, that the capital stock required to be paid into the "Mobile Trade Company" may be paid in notes of the United States treasury, or the notes of any of the national banks authorized by the law of Congress authorizing the establishment of national banks, and any portion of the charter of said "Alabama Direct Trade and Exchange Company" which may require payment in different funds from that in this section authorized, shall not be construed to apply to this charter.</p>
Who can organize.	<p>SEC. 3. <i>Be it further enacted</i>, That any three persons named in this charter, with such other persons as they may associate with them, are hereby authorized to organize under this act.</p>
How managed.	<p>SEC. 4. <i>Be it further enacted</i>, That the affairs of the "Mobile Trade Company" shall be under the management of three (3) directors, to be elected by the stockholders annually, one of whom shall be elected by the directors as President, with such other officers as said board shall find necessary, from time to time.</p>
Powers.	<p>SEC. 5. <i>Be it further enacted</i>, That said company may receive moneys on deposit, and pay out the same upon such terms as may be agreed: Provided, The same be done in accordance with and subject to all laws of the State regulating or governing such cases; that they may become insurers, taking fire, marine, or life risks, and such other risks as are taken by insurance companies of any kind, subject to all laws of the State governing or regulating such companies.</p>
Inoperative.	<p>SEC. 6. <i>Be it further enacted</i>, That wherein the said act incorporating the "Alabama Direct Trade and Exchange Company," or the acts amendatory of the same, shall be at conflict with anything contained in this charter of the "Mobile Trade Company," that so much of the same shall be inoperative as to this charter.</p> <p>SEC. 7. <i>Be it further enacted</i>, That where the words</p>

When not to  
apply.

“Confederate States” or Confederate notes: appear in  
the amended act of said “Alabama Direct Trade and Ex-

change Company,” it shall not apply to the charter of the “Mobile Trade Company.”

Approved, December 15, 1865.

No. 145.]

AN ACT

To amend “An act to incorporate the Coosa Navigation and Coal Mining Company,” approved February, 24, 1860.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section three (3) of “An act to incorporate the Coosa Navigation and Coal Mining Company,” approved February 24, 1860, be amended by striking out the words “except in the town of Talladega,” which section, as amended, will read as follows: “Sec. 3. Be it further enacted, That said company shall have power, so soon as stock to the amount of fifty thousand dollars shall have been taken, and ten per cent, thereon paid in, in cash, to the persons charged with obtaining subscription to said stock, to organize by the election of a president and secretary, who shall also act as treasurer, and the establishment of their office or place of business, may be at such point as the company shall select.”

Amendment.

SEC. 2. *Be it further enacted,* That section eight (8) of the act aforesaid be amended so as to read as follows: “Sec. 8. Be it further enacted, That said company may erect, or cause and procure to be erected, all needful appliances for opening said coal mines, and getting the coal to market, and to this end may erect or construct a railroad or railroads, a wagon-road or wagon-roads, form said coal mines to such point or points on said river as may be necessary for the convenient and safe transportation of coal to said river, and from said river to any other railroad for shipment and may establish coal depots at such points as may be needed, and in the event that said company cannot secure the right of way over the lands which they propose to construct their said railroad or railroads, or wagon roads, or depot grounds, by agreement with the owners thereof, then the said company shall have the same right and power to condemn

The same.

the lands through which any of their roads propose to be



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constructed may pass, for the purposes hereinbefore mentioned, as is conferred upon and granted to the Columbus and Fayetteville Railroad Company, by an act entitled 'An act to incorporate the Columbus and Fayetteville Railroad Company,' approved February 25, 1860." Approved, December 15, 1865.

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No. 146.]

## AN ACT

To incorporate the town of Richmond, in Dallas County.

Incorporation.	SECTION 1. <i>Be enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,</i> That the town of Richmond, in the county of Dallas, be, and the same is hereby incorporated, and the corporate limits of said town shall be as follows: To commence at the fifty mile post, measuring from Elm
Limits.	Bluff Landing, on the Alabama river, to the sixth mile post, inclusive, on Main street, and one-fourth of a mile north-east and southwest from Main street.
Election.	SEC. 2. <i>Be it further enacted,</i> That an election shall be held in the town of Richmond, on the first Monday in February next, or as early thereafter as practicable, to commence at 11 o'clock, A. M. and close at 3 o'clock P. M., for the purpose of electing six councilmen for said town, who shall serve for the term of one year and until their successors in office are duly elected and qualified, which election shall be held by J. P. Fulks, W. M. Ethridge and T. J. Sturdivant; and all subsequent elections shall be held in the said town of Richmond on the first Monday of February in each and every year, or as soon thereafter as may be practicable, by three commissioners to be appointed by the council of said town. All persons within the corporate limits of said town who may be entitled to vote for members of the General Assembly of this State, shall be entitled to vote in said election, and as early as practicable after the election the councilmen shall meet and elect by ballot one of their number as intendant, who shall in said town, <i>ex officio</i> , be a justice of the peace within the limits of the same.
When held.	SEC. 3. <i>Be it further enacted,</i> That the intendant and councilmen, together with the constable and clerk, which
Qualification of voters.	
Intendant <i>ex-officio</i> J. P.	

they are empowered to elect or appoint, shall severally,

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before they enter upon the discharge of their duties, take and subscribe the following oath, to-wit: "I, A. B., do solemnly swear, that I will, to the best of my skill and ability, discharge all the duties incumbent on me. So help me God," a certificate of which oath shall be filed with the records of the board; and it shall be the duty of the intendant to preside at all the meetings of the councilmen, and preserve order and decorum, and in his absence or incapacity, any councilman may be called to the chair; and the said intendant and council are hereby constituted a body politic and incorporate, by the name and style of the "Intendant and Councilmen of the Town of Richmond," by which name they and their successors in office shall be capable in law of suing and being sued, of pleading and being impleaded, in all manner of suits, either in law or equity, and in general to do and perform all such acts which are usually incident to bodies corporate; to purchase and hold, or dispose of, for the benefit of said town, real, personal, or mixed property, to the value of five thousand dollars.

Oath.

Duty.

Name and style.

SEC. 4. *Be it further enacted,* That the intendant and councilmen, or a majority of the, are hereby invested with full power to keep open and in good repair the strets and alleys of said town, to preserve peace and good order, to fine, in cases of assault and battery, in any sum not exceeding twenty-five dollars, and the same to collect; to prevent and to remove nuisances, to suppress gaming of every description, to establish night watches and patrols and to punish for neglect of patrol duty; to restrain, or tax shows or exhibitions, and the sale of spirituous liquors, in said town; and to impose a fine of not exceeding fifty dollars for any violation of the by-laws for the purpose of carrying into effect the powers heren granted and all other powers necessary for the good government of said town not inconsistent with the laws of this State.

Powers.

SEC. 5. *Be it further enacted,* That the intendant and councilmen shall have power to levy a tax of not exceeding one fourth of one per cent. on the inhabitants and property of said town to raise money for the purpose of properly governing and managing the affairs of said corporation, and they shall as soon as convenient after the election elect by ballot a clerk, treasurer and constable for said town, and it shall be the duty of said clerk to

Tax.

Officers and

issue all executions, or fines and taxes which may be ne-

their duties.

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Bond. necessary, signing the same and delivering the same to the constable, whose duty it shall be to collect and pay over the same to the treasurer, who shall give bond and sufficient security to the intendant and councilmen before entering upon his duties.

Removal and appointment.

SEC. 6. *Be it further enacted,* That the intendant and councilmen shall have power to remove from office the clerk, treasurer, and constable, upon satisfactory reasons, and to appoint others; and fix the salaries of such officers as in their judgment they may deem sufficient, and if by them thought advisable, taking bond for the constable and clerk, for the faithful performance of their duty.

Salaries.

Approved, December 15, 1865.

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No. 147.]

AN ACT

To incorporate the Union Express Company.

Incorporations.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Thomas H. Calloway, John R. Bramer, Michael Burns, John S. Claybrook, Milton Brown, Thos. Martin, Sam Tate, John P. King, Robert Baugh, John W. Lapsley, William B. Johnson, Thomas A. Walker, W. J. McGrath and A. M. West, and their associates and successors, be, and the same are hereby declared to be a body politic and corporate, by the name and style of the "Union Express Company," and by that name may contract and be contracted with, sue and be sued, and make and use a common seal and the same may alter and change at pleasure. Said corporation may by its board of directors make, and alter, and amend such rules and by-laws as to it may seem meet and proper, and not inconsistent with the laws of this State and the United States, and may elect or otherwise appoint such officers, and with such duties, as the nature of the business may required.

Capital stock.

SEC. 2. *Be it further enacted,* That the capital stock of said company shall be one million of dollars, with authority, at discretion, when deemed necessary for the business of the company, to raise the same to three millions of dollars. Said capital stock to be divided into shares of one hundred dollars each, and may be invested

Division of.

in property, real, personal and mixed, and such invest

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ments may be changed as the business of the company may required, but said company shall not invest any of its capital in either the stock or bonds of any railroad company. The stock of the company may be transferable on the books of the company in such manner as said company may prescribe.

Investment.

SEC. 3. *Be it further enacted,* That any railroad company is hereby authorized to subscribe for or own any interest in the capital stock of said corporation, to any amount not exceeding two hundred dollars for each and every mile of railway owned by said railroad companies; shall not in the aggregate exceed two-thirds of the capital stock of said Express Company; the other one-third of stock may be subscribed or owned by other persons, but no one person other than railroad companies shall subscribe for, or own at any one time, over ten thousand dollars of said capital stock. Should the amount subscribed by railroad companies in the aggregate be more than two-thirds of the capital stock, then the subscription shall be reduced prorate to bring the aggregate amount within the proper limits. In the same way, should the company determine to increase its capital stock as herein provided for, then the amounts authorized to be subscribed or owned by each railroad company and each individual may be increased under the rules and regulations which may be prescribed by said company; but the proportions of one-third and two-thirds is to be perpetually kept up, and no one persons other than railroad companies is authorized to subscribe for, or at any one time own over ten thousand dollars of the stock. No railroad company or other person will be authorized to sell their stock or any part thereof, unless by consent of this company, or unless the party offering to sell first gives this Express Company an opportunity of purchasing the same at market value. In the event any subscriber or stockholder shall fail or refuse to pay the installments on his stock, as called for, the company shall have power to forfeit the same, and in all cases the company shall hold a lien on the stock for unpaid installments and other indebtedness to said company.

Transfer of.

Subscription by railroads.

Limitation of.

Limitations of personal subscription.

Consent required to sell stock.

Forfeitures and lien.

SEC. 4. *Be it further enacted,* That the business of the company shall be managed by a board of directors, thirteen in number, elected by the stockholders voting in

Directors.

person or by proxy at their annual meeting, each share of stock counting as one vote; the first election to take



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Election of and duration of term.	place as soon as convenient after a sufficient amount of stock shall be subscribed; said directors to hold their office until the next annual meeting of the stockholders and until their successors are elected and qualified. They shall from their own number elect a president, but no
President.	person who is elected president and accepts the office shall remain president or superintendent of any railroad company. Eight of the said directors assembled at any regular meeting shall constitute a quorum for the trans-
Quorum.	action of business. The board of directors may appoint executive committees and confer on them such powers within the limits of this charter as they may deem proper, and may change or make the said powers at pleasure.
Powers.	Said directors shall by their by-laws fix the the time of the annual meetings of the stockholders, but may on extraordinary occasions call special meetings of the stockholders, and at each meeting shall report all material facts necessary to a full and correct understanding of the condition and business of the company. such dividends shall be from time to time declared and paid, as the business of the company may justify.
Dividends.	SEC. 5. <i>Be it further enacted,</i> That said corporation is hereby authorized an empowered to engage in the express transportation business, and may carry and transport, or cause to be carried or transported, by land or by water, by railway or other land carriages, and by steam or sailing vessels, for hire and reward, as may be agreed on by said company and the shippers thereof, and to and from and between any places of points in the United States, goods, wares and merchandize, gold and silver, coin, plate, bank notes, treasury notes, bulls, bonds, and deeds, scripts and articles of all kinds. It may be also collect for commission or other reward, as may be agreed on with the holders thereof, of all bills, notes, bonds, claims and demands of all kinds, as may be confided to the care and management of said company, and generally do and perform all such other acts and things as may properly belong to the express business and not repugnant to the laws of this State and the laws of the United States.
Business of corporation.	SEC. 6. <i>Be it further enacted,</i> That said company shall have power to sell at public auction, to the highest bidder, for cost, all goods and articles that remain unclaimed and uncalled for more than six months after the arrival of
Powers and duties in rela- tion to goods	

uncalled for.

such goods or articles at the place of destination; Provided, The sale shall be made at such place of destination

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if it be a town of the population of two thousand or over, or if not, then at such places in the State as the company by its rules may direct, and provided, such sale shall only be after public notice of the time and place of sale, with the full description of the package, goods or articles so unclaimed, with the name and address thereon, shall have been given in one or more newspapers published at or near the said place of sale for the space of at least twenty days. A full record shall be kept of all property so sold, and the act proceeds thereof, after deducting all costs and charges, shall be paid to the owner of said property so sold, upon the proof of ownership; Provided, His claim be presented and proven within one year of said sale.

Duty of owner.

SEC. 7. *Be it further enacted,* That the persons in the first section of this act, or a majority of the, shall appoint the time and places for opening books for subscriptions to the capital stock, of which they shall give due notice; and as soon as a sufficient amount is found to be subscribed, they shall appoint the time and place of the first meeting of the stockholders, of which due notice shall also be given, that said company may be duly authorized under the provisions of this charter.

Notice of time of subscribing.

SEC. 8. *Be it further enacted,* That said corporation may commence business under this charter so soon as five hundred thousand dollars shall have been subscribed to its capital stock, of which, at least, the sum of fifty thousand dollars must have been *bona fide* paid into the treasury, which fact must be certified to by the president and treasurer of the company, under oath filed with the Secretary of State. This charter shall remain in force for thirty years from the date of its enactment.

When to commence busi-

Limitation.

SEC. 9. *Be it further enacted,* That the railroad companies subscribing for, or owning stock, in said company, shall be respectively liable for the debts and liabilities of the company in proportion to the amount of their stock.

Liability of railroads.

Approved, December, 1865.

No. 148.]

## AN ACT

To incorporate the town of LaFayette, in the county of Chambers.

Incorporation  
and its limits.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the town of LaFayette, in the county of Chambers, be, and the same is hereby incorporated, and the corporate limits of said town shall be one mile each way from the court-house, that is two miles square.

Election of in-  
tendant and  
councilmen.

SEC. 2. *Be it further enacted,* That an election shall be held on the third Monday in December, 1865, or as early thereafter, as practicable, to commence at eleven A.M., on said day, and close at three o'clock, P.M., for the purpose of electing five councilmen and one intendant of said town, who shall hold and serve for the term of one year and until their successors are qualified, which said election shall be held by a justice of the peace and two free-holders of said town, and all subsequent elections shall be held in the town of LaFayette, on the first Monday in January, each and every year, or as soon thereafter as can be, due notice having been given by the acting intendant, by posting written notices at the court-house for ten days before the said election; the said election shall be held by the intendant and two councilmen, and in the absence of the intendant by a majority of the councilmen. All persons within the corporate limits being entitled to vote in said election, who are qualified voters for members to the general assembly of this State, and said intendant so elected, shall, *ex-officio*, be a justice of the peace, and have all the jurisdiction that justices have by the laws of this State.

Intendant *ex-*  
*officio* justice  
peace.

Officers.

SEC. 3. *Be it further enacted,* That said intendant and councilmen shall elect a clerk, a treasurer, and a constable, shall each severally take and subscribe the oath following, to-wit: "I, A. B." (as the case may be) "do solemnly swear that I will, to the best of my skill and ability, discharge all the duties incumbent on me, so help me God;" a certificate of which oath, shall be filed with the records of said board; and it shall be the duty

Oath.

Duties.

of the intendant to preside at all meetings of said councilmen, and preserve order and decorum, and in his ab-

sence or incapacity, any councilman may be called to the chair, and preside, and the intendant and councilmen, are

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hereby constituted a body politic and incorporate by the name and style of "The Intendant and Councilmen of the town of LaFayette," by which name they and their successors in office shall be capable in law and equity of suing and being sued, pleading and being impleaded, and in general, to do and perform all acts which are incidental to bodies corporate, to purchase and hold, or dispose of, for the benefit of said town, real, personal and mixed property to the value of ten thousand dollars.

Name and style.

Powers.

SEC. 4. *Be it further enacted,* That said intendant and councilmen, or a majority of them, are hereby invested with full power to keep open and in good repair the streets and alleys of said town, to preserve peace and order, to fine in cases of assaults and batteries in any sum not exceeding fifty dollars, and the same to collect, to prevent and remove nuisances, to suppress gaming of every description, to establish night watches and patrols, and to punish for neglect of patrol duty, to restrain or tax shows or exhibitions and the same of spirituous [liquors] in said town, to impose a fine not exceeding fifty dollars, for any violation of the by-laws, for the purpose of carrying into effect the powers herein granted, and all other powers for the good government of said town not inconsistent with the laws of the State; which powers are hereby expressly granted said corporation. Said intendant is hereby further invested with the power and authority to suppress all affrays, routs, riots, unlawful assemblies and insurrections, and breaches of the peace; all lewd, indecent, profane, riotous, or disorderly conduct, in any public place in said town; to do which, he may summon any number of male inhabitants residing in said town, to aid him, that he may think proper. He may, also, and he is hereby invested with full power to punish for contempts, in the same manner, and under the same rules and regulations, prescribed by the Code of Alabama, in reference to the punishments of contempts by justices of the peace.

Powers.

SEC. 5. *Be it further enacted,* That the said intendant and councilmen shall have power to levy a tax on the inhabitants and property of said town, to raise money for the purpose of properly managing the affairs of said corporation. It shall be the duty of the clerk to issue all executions for taxes and fines which may be necessary,

Powers.

Duty of clerk.

and to issue all necessary process from said board of councilmen, and deliver the same to the constable, and it shall

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- be the duty of the constable to serve and execute all papers, writs, summons and other process issued by said intendant, corporation and their clerk, thereof, collect all executions for taxes and fines, and pay the same over to the treasurer, and do and perform all other duties which may be enjoined on him by the laws and rules, and by-laws of said corporation. Said constable clerk and treasurer, shall enter into such bond and security for the faithful discharge of their respective duties in such sums as may be prescribed by said council, payable to the said intendant and his successors in office, before entering upon their respective duties, as the said council may direct and required.
- Duty of constable.
- Bond.
- SEC. 6. *Be it further enacted,* That the intendant and councilmen shall have the power to remove from office, the clerk, treasurer and constable upon satisfactory reasons, and appoint others, and to fill all vacancies in their board, either intendant or councilmen, which shall hold until the next general election; and also to fix the salaries of such officers as in their judgment they may deem sufficient.
- Removal and appointment.
- Salaries.
- SEC. 7. *Be it further enacted,* That all former laws incorporating said town, be, and the same are hereby repealed, and also, all laws in conflict with the provisions of this act.
- Repeal.
- Approved, December 15, 1865.

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No. 149.]

AN ACT

To incorporate the Southern Travellers Insurance Company.

- SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Peter Hamilton, a. Murdock, C. P. Gaze, George Whitfield, D. W. Goodman, John M. Billups, and their associates, be, and they are hereby declared to be a body politic and corporate, by the name and style of "The Southern Travellers Insurance Company," and be contracted with, have and use a common seal, and the same to break and alter at their pleasure.
- Incorporation.
- SEC. 2. *Be it further enacted,* That the capital stock



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of said corporation shall consist of the sum of two hundred thousand dollars, to be divided into shares of one hundred dollars each; said shares shall be transferable on the books of said company, under such rules and regulations as it may adopt.

Capital stock.

SEC. 3. *Be it further enacted,* That the business of said corporation shall be managed and protected by a board of directors, consisting of seven stockholder, to be elected annually, by the share-holders of said company. Said directors shall elect one of their number president of said company; they may elect or otherwise appoint such officers and agents as the business of said company may require, and may adopt such rules and by-laws for the government of said company, as to them may seem meet, not inconsistent with the laws of this State, and of the United States.

President and Directors.

SEC. 4. *Be it further enacted,* That the business of said company shall consist in insuring the persons of travellers by land and water, against death and injuries from accidents occurring in the course of travelling by land and water, and may be carried on by means of contract with passengers, either for a certain length of time, or against specific injuries and upon such premiums or consideration, and times, and conditions for the payment of a sum certain, or a weekly or a monthly payment money, as may be agreed upon between it and the party or parties contracting with the company. But said corporation shall have no authority to carry on any other business whatever. It may go into operation whenever the sum of fifty thousand dollars is subscribed to its capital stock; and for the purpose of carrying on the business herein named, all powers necessary for said business are hereby conferred, but no other. Said corporation may invest its funds in any species of personal property it sees fit, and at any time any judgment or decree be recorded against said corporation upon any contract of insurance herein authorized, and the same remaining unpaid for the space of six months after the date of such judgment or decree, unless the same have been removed by proper proceedings to an appellate court, or court of record, and be then suspended. Such non-payment shall be taken and held to be an act of insolvency and shall authorize any court of chancery having jurisdiction over the property of said

Business of the company.

When to go into operation

Powers conferred.

When to go into liquidation.

company upon bill filed by such judgment creditor, or by one or more share-holders, holding four thousand dollars.

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Term of charter.

in the capital stock of said company, to take jurisdiction of the case, and wind up and settle all the affairs of the aforesaid corporation and distribute the assets and property among the parties entitled thereto, as in cases for the settlement of copartnerships, and for this, when needed, may appoint one or more receivable, and make all orders and decrees necessary to carry into effect the power of control herein given to said court.

Railroad companies may be stockholders.

SEC. 5. *Be it further enacted*, That this charter shall continue for twenty years from the date of its passage, and the several railroad companies chartered by this State, are authorized to become stockholders in said corporation to the extent of five per cent. upon the respective capital.

Approved, December 15, 1865.

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No. 150.]

AN ACT

To incorporate the Citizens Mutual Insurance Company of Mobile.

Incorporation.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That William D. Dunn, James Crawford, Jno. Reid, Jr., Samuel G. Battle, Samuel J. Murphy, Hampton S. Smith, William B. Hamilton, Henry G. Humphries, F. B. Clark, William G. Jones, Alfred Batie, B. F. Marshall, Wm. Barnwell, Jr., Joseph R. Gates, and R. G. Houston, of the city of Mobile, and their associates and successors, be and they are hereby made and constituted a body politic and corporate, by the name of the Citizens' Mutual Insurance Company of Mobile, and by that name may have and use a common seal, sue and be sued, implead and be impleaded, acquire and hold or dispose of such real estate, or other property a may be necessary for the proper transaction of its business, and may make such by-laws, rules and regulations for the transaction of its business, as are not inconsistent with the constitution and laws of the United States, or of this State, or the provisions of this act.

Objects and

SEC. 2. *Be it further enacted*, That the objects and purposes for which this corporation is created are to make

purposes.

and effect insurance upon houses, ships, steamboats, goods,

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wares, merchandise and property of every description, against loss or injury by fire, water, tempest, or other casualties; and the said company shall have full power to make such insurance upon such terms as they think proper.

SEC. 3. *Be it further enacted,* That the capital stock of the said company shall be at least two hundred thousand dollars, and may be increased from time to time to any amount not exceeding five hundred thousand dollars, to be divided into shares of one hundred dollars each, to be subscribed for and paid or secured as hereinafter provided.

Capital stock.

SEC. 4. *Be it further enacted,* That the corporation named in the first section of this act, or a majority of them, may and shall, within three months from the passage of this act, cause books of subscription to be opened under their supervision, or the supervision of such of them as they may select as commissioners for that purpose, at such time or times, and such place or places as they may think proper, in the city of Mobile, for subscriptions to the capital stock of the said company, and the said books of subscription shall be kept open until the sum of at least two hundred thousand dollars has been subscribed for, and after that amount has been subscribed for, the said corporation may keep the said books of subscription open for further subscriptions, not exceeding in the whole the sum of five hundred thousand dollars, for such length of time as they may think proper.

Time, manner and place of opening books of subscription.

SEC 5. *Be it further enacted,* That each and every subscriber to the stock of said company shall, at the time of subscription, pay to the person or persons receiving the subscription for the company, ten per cent. upon the amount subscribed for by him, and for the residue of the amount subscribed shall execute his promissory note payable to the said company on demand without interest, with such securities thereto as may be required by said commissioners, and each such note shall state that it is given for stock subscribed for in the said company, and subject to the conditions provided in the charter of the company in regard to stock notes. The money so paid, and the notes so executed shall constitute the capital stock of said company; and the notes so executed shall be delivered by the commissioners receiving them to the

Terms of subscription.

Notes for capital stock.

secretary of the said company, as soon as conveniently  
may be after such secretary has been elected and quali-

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When to be paid.	fied. No payment shall be required to be made on said notes unless and until such payment may be required by losses sustained, or expenses incurred by the company, and may ordered or called for by a vote of resolution of the president and directors of said company, whenever the losses and expenses of the company shall exceed its profits, so as to make a payment upon the said notes necessary to discharge the liabilities of the company, it shall be the duty of the president and directors of the the company, and they shall have the power to cause a call for such payments to be made, from time to time, as may be necessary , and the sum so required and called for shall be assessed and apportioned ratably upon the
Notice how given.	stockholders. Reasonable notice of every such call shall be given to each stockholder, in such manner as may be prescribed by the by-laws of regulations of the company, or in the absence of any such by-laws or regulations, as may be prescribed by the vote of resolution of the president and directors making the call. If any stockholder shall fail to make payment of the amount so assessed against him for ten days after said notice thereof, the whole amount due on his note, with interest thereon, from the time of the call, shall be due and payable, and he may be sued therefor. Every payment so made shall be credited on the proper note until the
Penalty.	note is wholly paid. No stockholder shall be personally liable for the debts, losses or liabilities of the company beyond the amount of the note given by him.
Liability of stockholder.	SEC. 6. <i>Be it further enacted,</i> That the business and affairs of the company shall be managed by fifteen directors elected by the stockholders; and the directors so elected shall chose one of their number to be president of the company. No person shall be elected as a director, unless he is at the time of his election a stockholder in said company. At every election of directors, each stockholder shall be entitled to one vote for each and every share of stock held by him.
President and directors.	SEC. 7. <i>Be it further enacted,</i> That the president and directors shall elect a secretary of the said company, and may elect or appoint such other officers or agents as they may think necessary for the proper management of its affairs; and may prescribe the duties, and fix the salaries of the secretary and such other officers and agents, and
Secretary and other officers.	
Salaries.	

Bonds.            may require such of them as they think proper to execute  
                         such bonds with security for the faithful discharge of



their official duties respectively, in such sum or sums, and in such form as they may prescribe or approved.

SEC. 8. *Be it further enacted,* That the said company shall be located, and have its principal office or place of business in the city of Mobile, and may establish agencies or branches in such other places as they may think proper.

Location.

SEC. 9. *Be it further enacted,* That the persons named as corporation in the first section of this act, shall be the first directors of the said company, and shall continue to act as such until a new board of directors shall be elected by a general meeting of the stockholders; Provided, that if any of the persons so named shall fail or refuse to subscribe for stock in the said company within three days after the books of subscription to said stock are opened, he shall cease to be a director, and the others named who do so subscribe shall alone be directors. As soon as conveniently may be done after the books of subscription to the stock of said company are closed, a general meeting of the subscribers shall be called by the persons named as corporators in the first section of this act, or a majority of the, at such time and place in the city of Mobile as they may appoint, for the purpose of electing directors of said company, and reasonable notice of the time and place of such meeting shall be given by advertisement in one or more newspapers published in the city of Mobile; and at such meeting the subscribers to the stock shall elect fifteen directors of the company. Each stockholder shall have one vote for each share of stock held by him, and may vote for fifteen or any less number of persons as directors, and a plurality of votes cast shall elect.

First directors.

Proviso.

General meeting.

Notice of.

Election of directors.

SEC. 10. *Be it further enacted,* That an annual meeting of the stockholders of said company shall be held at the office of said company, in the city of Mobile, on the second Monday in January of each year, at which meeting a report shall be made to the meeting by the president and directors of the company of the transactions of the company for the preceeding year, and of the condition of the company; and an election shall be held for directors of the company for the ensuing year; but any general meeting of the stockholders may, by resolution, appoint a different time for holding the next general meeting of the stock-

Annual meeting.

Report.

holders. The president and directors may, for special purposes, call a general meeting of the stockholders at

Called meetings.

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	<p>such other times as they may think proper. At every general meeting of the stockholders the president of the company, or in his absence, one of the directors shall act as temporary president of the meeting until the meeting has elected a permanent president, and the secretary of the company, or in his absence, such person as the presiding officer shall appoint, shall act as temporary secretary of the meeting until the meeting shall elect a permanent secretary. Upon all questions raised and voted on at a general meeting of the stockholders, any stockholder present may required a vote by stock, and thereupon each member shall be entitled to one voted for each share of stock owned or represented by him, otherwise each stockholder present shall be entitled to only one vote. at such general meeting stockholders may vote by proxy or agent, but no persons shall be admitted to vote as proxy or agent for another unless he is himself a stockholder in the company. That meeting shall judge of, determine the genuineness and sufficiency of, any proxy presented or claimed.</p>
Proxies..	
Tenure and forfeiture of office.	<p>SEC. 11. <i>Be it further enacted,</i> That the directors elected at any general meeting of the stockholders shall continue in office until their successors are elected, or they forfeit their office. A person elected as director shall forfeit his office and cease to be a director by his ceasing to be a stockholder of the company, or by his absenting himself from the city of Mobile for more than four months at one time, without the consent of the president and directors. The president and directors may fill vacancies, occurring their own bodies, by death, resignation, or forfeiture</p>
Vacancies.	
Certificates of stock.	<p>SEC. 12 <i>Be it further enacted,</i> That the president and directors of the company may prescribe the manner and form in which certificates of stock in the company shall be issued, and the manner and form in which such stock in transferred, and the company shall have a lien on the stock of any stockholder for any debt or liability of such stockholder to the company,</p>
Liens.	<p>any may refuse to allow the sale or transfer of such stock until such debt or liability is discharged.</p>
Statements	<p>SEC. 13. <i>Be it further enacted,</i> That in the months of January and July of each year the president and directors of the company shall make, or cause to be made by</p>

when and how the proper officers of the company, an estimate of the  
made. profits and losses of the company, and also a statement

of all cash paid into the company for or on account of premiums for the preceding six months, and by whom paid; which statements shall be verified by affidavit and filed with the papers of the company for the examination and information of all parties interested. And if it shall appear from such statements, that the profits of the company do not exceed its losses and expenses by more than ten thousand dollars, the president and directors shall make no dividend to the stockholders, and shall not award any return premiums to the insurers; but such excess of profits shall be kept by the company as reserved fund to meet further losses or liabilities. But if it shall appear from such statements that the profits of the company exceed its losses and expenses by more than ten thousand dollars, then the president and directors shall reserve and set apart a portion thereof, not less than ten thousand dollars, nor more than one-half of such excesses, as they may think proper to be kept by the company as a reserved fund, and the residue of such excess shall be ratable apportioned and divided between the several stockholders and insurers, according to the amount of stock held by each stockholder and the amount of premiums paid by each insurer, and shall order the proper per centage to be paid to the several insurers as return premiums, and the dividends awarded to the stockholders shall be entered as a credit on their stock notes respectively, until the said notes are fully paid. But if any stockholder has paid his stock note in full, his dividend shall be paid in money.

SEC. 14. *Be it further enacted*, That any subscriber to the stock of said company may, at the time of his subscription, pay in case all or any part of the amount subscribed for by him not less than ten per cent. on the whole amount, and any stockholder may, after subscription, pay up the whole or any part of the stock note given by him. If the profits of the company exceed its losses and expenses, the company shall allow and pay to the stockholders who have paid money to the company, on account of their subscriptions, interest on the amount so paid in by them respectively, from the time of such payments, at the rate of eight per centum per annum. This payment of interest shall be considered as part of the expenses of the company in making the semi-annual estimates and statements for the purpose of declaring

Disposition of profits.

Dividends.

Privileges when more than ten per cent is paid.

dividends, and return premiums as herein provided.

SEC. 15. *Be it further enacted*, That the President and

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Renewal of notes.	directors may at any time require a note given for stock to be renewed, or further, or other security to be given; and they shall require such renewal before a recovery on any such note is allowed by the stature of limitations; and if a party fail to renew such note within ten days after notice, the whole amount due on such note shall be payable, and it may be put in suit.
Powers in using money.	SEC. 16. <i>Be it further enacted</i> , That the said company may use its money, whether using from capital or earnings, in lending out the same at lawful interest on such security as it may think proper, or in discounting or purchasing promissory notes or bills of exchange.
When charter is forfeited.	SEC. 17. <i>Be it further enacted</i> , That the corporate authority hereby granted shall be forfeited unless the company hereby authorized to be formed is actually formed and organized within one year from the passage of this act, and when organized the said company may continue for twenty years from the passage of this act. The company hereby created shall be subject to such general laws as are now in force, or may be hereafter enacted in regard to similar corporations.
Term of charter.	SEC. 18. <i>Be it further enacted</i> , That all laws and parts of laws contrary to the provisions of this act, be, and they are hereby repealed.
Repeal.	Approved, December 14, 1865.

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No. 151.]

AN ACT

To incorporate the Alabama Oil and Mining Company.

Incorporation.	SECTION 1. <i>Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened</i> , That Elliott C. Hannon, William H. Dingley, Jacob F. Thompson, William H. Hannon, Richard H. Offutt, Frederick A. Woodson, Needham Lee, Joseph Hannon, R. H. Kelly and Eben Kirk, and such other persons as may be associated with them, and their successors, be, and they are hereby made and constituted a body corporate, under the name and style of the "Alabama Oil and Mining Company," and by that name they shall be capable in law to hold, purchase, receive, possess and enjoy, to them and their successors, real and personal
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property to any amount they may deem useful in carry-



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ing all the objects of said corporation into full force and effect, which objects are to bore or mine for rock oil or petroleum, and the purchase, leasing, development and working of oil lands in fee simple or under lease, the purchase or leasing, development and sinking, and working of oil wells, and the sale and disposition of such lands, leases and wells, and also to mine coal, iron, copper, and other minerals, and to transport and sell said petroleum, minerals and metals, in a crude or prepared state, and the same to prepare for market in any manner they may deem most advantageous, and by that name to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts having jurisdiction; and the corporation shall have power to make, use and have a common seal, and to break, alter, and renew the same at pleasure; Provided, however, That said corporation shall be organized in accordance with the provisions of this charter within three years from the date of the approval of this act.

Objects of corporation.

Privileges.

Proviso.

SEC. 2. *Be it further enacted,* That the capital stock of said company or corporation shall be five hundred thousand dollars, and the number of shares shall be five thousand, of one hundred dollars each; and the said incorporation may increase the amount of capital stock to one million of dollars and number of shares to ten thousand; Provided, nevertheless, That the rules adopted shall be uniform, equally securing the rights of each stockholder.

Capital stock.

SEC. 3. *Be it further enacted,* That the stockholders of said corporation shall have power to elect a board of directors, who shall elect such officers as they deem necessary to conduct and manage the affairs of said corporation, and by a vote of the majority of the directors or of the stockholders, to make such by-laws and pass such resolutions, and the same to put into execution, as they may judge expedient for the interest of said corporation, not being inconsistent with the Constitution of this State, not of the United States.

Directors and officers.

Powers.

SEC. 4. *Be it further enacted,* That if the officers be not elected on the day appointed by the by-laws, the corporations shall not for that cause be dissolved, but those in office shall hold until their successors have been elected.

When not dissolved.

SEC. 5. *Be it further enacted,* That the said corporation have the right to construct railways or other roads

from their mines or places of operation to such point or points as may be most convenient and practicable to es-

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Right of way.      establish a direct communication with any public railroad or navigable river; and it shall be entitled to acquire the right of way for such roads, and the necessary turnouts, and such lands as may be necessary for depots; and in acquiring the right of way for main roads and the necessary turnouts and the lands for depots, the corporation shall in all such cases make just compensation to the owner or owners of such lands before acquiring any right to the same; and that said corporation may levy and collect fare, freight and tolls for the use of such road constructed by it.

Compensation.      SEC. 6. *Be it further enacted,* That in order to facilitate the operations of said incorporation, that it is hereby invested with the right to erect dams and construct such works on water courses as they may deem necessary to the propelling of machinery required to facilitate and carry on successfully the operations of said corporation.

Further rights.      Approved, December 14, 1865.

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No. 152.]

## AN ACT

To amend an "An act amendatory of an act to incorporate the Alabama Direct Trade and Exchange Company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the first and third sections of said amended act, which sections are in words as follows: "Section first, Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the words "Confederate States" be substituted for the "United States," and the word "Confederacy," for the word "Union," wherever the same may appear in said act or its supplement. "Section third, Be it further enacted, That the stock subscribed may be paid in notes of any of the Banks of Alabama, in Confederate notes, and bonds, or State bonds," be and the same, are hereby repealed.

Repeals.      Approved, December 14, 1865.

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No. 153.] AN ACT

To amend the charter of the South Alabama Manufacturing Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That sections two and three of “An act approved February 24<sup>th</sup>, 1860, chartering the “South Alabama Manufacturing Company,” be, and the same are hereby repealed; and the following sections added to follow section one, as it stands:

Repeals.

SEC. 2. *Be it further enacted,* That said individuals are hereby constituted a body corporate and politic, under the name and style of “The South Alabama Manufacturing Company;” and the said bony corporate shall have power and authority to appoint such subordinate officers and agents as the business of said corporation may require, as well as to make such by-laws, not inconsistent with the constitution and laws of Alabama, for the transfer of its stock, the management of its property, and the regulation of its affairs, as may be deemed right.

Additional, to follow section 1.

SEC. 3. *Be it further enacted,* That this act shall be void in law, unless said corporation shall commence its works within three years for the date of the approval of this act.

When void.

Approved, January 16, 1866.

No. 154.] AN ACT

To amend an act entitled “An act to extend the charter of the Bank of Mobile.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the second section of the act entitled “An act to extend the charter of the Bank of Mobile,” approved February 9<sup>th</sup>, 1852, and which is as follows: “And be it further enacted, That the commissioner and trustee is hereby authorized to arrange with the said bank, the amount due to it by the State, charging the said bank with one hundred thousand dollars as a bonus

Provision of charter amended.

for said extension of charter; And provided, That the

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amount due upon said bonus, shall be paid in sums not less than five thousand dollars per annum”– be so amended, as to provide that whenever the president and directors of said bank shall determine that it is necessary to reduce the capital of said bank, in consequence of losses or other cause, it shall be competent for them to do so, and to reduce and consolidate the stock, if they shall deem the same to be advisable, and that the bonus to be paid under this section of the act, shall be reduces proportionately; And provided further, That the president and directors may also from time to time, increase the capital, after such reduction, by the issue of new stock to the amount specified in the charter, and upon such enlargement, the bonus shall be also increased in the same proportion; and that the president and directors are hereby required to make a report to the governor of this State, of any action they may take, either for the reduction or extension of their capital under this section of the charter of said bank.

Reduction of capital.

Contingency upon which stock may be increased.

Report to gov-ernor required.

SEC. 2. *Be it further enacted,* That the president and directors of the bank aforesaid, shall have full power and authority to avail themselves of the privileges granted by the United States in the act entitled “An act to provide a national currency secured by a pledge of United States stock, and to provide for the circulation and redemption thereof,” approved February 25<sup>th</sup>, 1863, and any act amendatory thereof; and from and after the exercise of such privilege, all the rights and obligations and relations which may lawfully accrue therefrom, shall be held and enjoyed by the bank aforesaid under those laws.  
Approved, February 2, 1866.

Privilege under U. S. laws.

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No. 155.] AN ACT

To amend the act to incorporate the Southern Bank of Alabama.

Amendment.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sixth section of the act of the General Assembly of the State of Alabama, entitled “An act to amend the act to incorporate the Southern Bank

of Alabama, approved February 8<sup>th</sup>, 1858, which is as

follows: Be it further enacted, That the tax which said bank shall hereafter pay as a bonus, shall be sixty cents in each hundred dollars worth of stock in said bank shall accept the provisions of this section as a part of its charter before it shall be entitled to the benefit of this act," be amended as follows: "That whenever the president and directors of the bank shall determine that it is necessary to reduce the capital of the bank in consequence of losses or other cause, it shall be competent for them to do so; and to reduce and consolidate their stock, if they shall deem the same to be advisable, and that the bonus to be paid under this section of the act shall be reduced proportionately; And provided further, That the president and directors may also, from time to time, increase the capital after such reduction, by the issue of new stock to the amount specified in the charter; and upon such enlargement the bonus shall be increased in the same proportion; and that the president and directors are hereby required to make a report of any action they may take either for the reduction or extension of their capital under this section of the charter of the said bank to the Governor of the State.

Discretion of president and board

Increase of stock.

SEC. 2. *Be it further enacted,* That the president and directors of the bank aforesaid, shall have full power and authority to avail themselves of the privileges granted by the United States in the act entitled "An act to provide a national currency, secured by a pledge of United States stocks and to provide for the circulation and redemption thereof," approved February 25<sup>th</sup>, 1863; and any act amendatory thereof; and from and after the exercise of such privilege, all the rights and obligations and relations which may lawfully accrue therefrom, shall be held and enjoyed by the bank aforesaid under those laws.

Privileges under U. S. laws.

Approved , February 2, 1866.

No. 156.]

AN ACT

To incorporate the trustees of the Choctaw county Male and Female Seminary.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That William D. Gains, Thos. Hearin and

Corporators.



Name.	Jesse Jackson, and their successors in office, be, and they are hereby declared and constituted a body corporate, by the name and style of "The Trustees of the Choctaw County Male and Female Seminary," and as such, may sue and be sued, have and use a common seal; elect one of their own number as president, and elect or appoint
Powers.	all such other officers, professors or teachers as they may choose, and remove the same at pleasure and pass or adopt all such ordinances, rules or by-laws, as they may think advisable for the interest and good government of said institution which may not be inconsistent with the laws of the State.
Additional powers.	SEC. 2. <i>Be it further enacted</i> , That the said corporate body, for the exclusive benefit of said institution, and the promotion of its objects and the encouragement of literature may have power to erect buildings, borrow money by mortgage on their corporate property or otherwise, to accept of and hold property, real, personal or mixed, by purchase, donation, grants or bequest to the value of twenty-five thousand dollars, and to sell or dispose of the same as natural persons in like cases may do.
Rules.	SEC. 3. <i>Be it further enacted</i> , That said trustees, or a majority of them may pass a system of rules not only for their own government, but prescribing the times of elections, terms of service, and pointing out the respective duties of their various officers. They may prescribe and regulate, or alter at will from time to time, the order, mode, kind and extent, or branches of study and of learning to be taught and pursued in the institution, but in
Vacancies.	case of vacancies in the board from any cause, the survivors or residue, one or more, may fill the same by appointment; and they may prescribe in their by-laws what shall constitute a vacancy. Full power is given to
Further powers.	the board as to the competency and number of their teachers, and rates of tuition as well as all other internal regulations. They may grant diplomas on adequate attainments as well as certificates or other evidences of scholarship, and may do everything necessary and proper to further the objects of said literary institution.
Retail of liquors restricted.	SEC. 4. <i>Be it further enacted</i> , That it shall not be lawful for any person to retail ardent or intoxicating liquors within one mile of said seminary unless the same shall be prescribed by a physician as a remedy for disease, and any person violating the provisions of this act, on indict-

Exception.                   ment and conviction shall be fined in the sum of one

hundred dollars, one half thereof to the prosecutor, and the other half to go into the county treasury.

Penalty.

SEC. 5. *Be it further enacted*, That an act entitled an act to incorporate the Choctaw county male and female seminary, approved February 1<sup>st</sup>, 1850, be, and the same is hereby repealed.

Repeal

Approved, January 31, 1866.

No. 157.]

AN ACT

To amend the charter of the Selma and Meridian Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the charter of the Selma and Meridian Railroad Company be, and the same is hereby amended as hereinafter enacted, to-wit:

Amendment.

SEC. 2. *Be it further enacted*, That the board of direction of said company, shall have power to dispose of and issue such number of shares of stock of said company, in addition to the stock heretofore subscribed and paid for, as may be authorized, and at such rate and on such terms and conditions as may be prescribed by resolution of the stockholders of the company voting in convention; Provided, That this act shall not be so construed as to authorize the increase of the capital stock of said company beyond the amount of two millions of dollars, now limited by charter.

Discretionary power of directors.

SEC. 3. *Be it further enacted*, That executors, administrators, and guardians, have the power to subscribe and pay for said stock, to such amount as those they represent may be entitled to take, where in their judgment the interests of those they represent will be promoted thereby; Provided, That executors, administrators, or guardians, first obtain authority from the probate court so to do.

Privilege of executors, &c.

Approved, January 16, 1866.

No. 158.]

AN ACT

To incorporate the Moore's Bridge Turnpike Company in the county of Tuscaloosa.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That John McConnell and Benjamin Blackburn jr., and their associates and successors, be, and

Corporators.

they are hereby created a body corporate, by the name and style of "The Moore's Bridge Turnpike Company," and by that name and style, may sue and be sued, purchase and hold real and personal estate, and dispose

Name.

Powers

of the same at pleasure, may have and use a common seal, and do and perform all other acts usually performed by Turnpike companies.

Powers.

SEC. 2. *Be it further enacted,* That said company shall have power to erect a turnpike road across the Sipsey river, and swamp along or near the road crossing said stream, and known as Moore's bridge road in the county of Tuscaloosa; Provided, That said company shall not use the public road now in use for that purpose, without first obtaining the assent of the court of county commissioners thereto.

Proviso.

Conditions.

SEC. 3. *Be it further enacted,* That before said company shall be authorized to collect any tolls for travel on said road, it must erect safe and sufficient bridges across the said Sipsey river, and all sloughs in the swamp, and shall put the road through said swamp in a condition to be crossed with safety, by any and all kinds of vehicles used in marketency, travelling or otherwise, at any stage of the water in said river.

Duty of committee of review.

SEC. 4. *Be it further enacted,* That the court of county commissioners shall be authorized and empowered to appoint a committee of review, consisting of three persons, who shall examine said road and report to said court when said road is in condition to authorize the collection of tolls. Thereupon said court shall be authorized to regulate and prescribe the rate of toll to be collected by said company, and such court may from time to time change the rates so allowed whenever in its discretion justice demands such alteration.

Tolls.

SEC. 5. *Be it further enacted,* That the court of county commissioners shall have full power, whenever in its judg-

ment the public good requires it, to require of said com-

pany to make such necessary repairs on said road as will insure safety and facility to the travelling public, and whenever said road shall be reported out of repair by any examining committee which said committee shall have the power to appoint, such court may suspend the collection of toll until the necessary repairs are made, and if said company shall collect tolls from any person during the existence of such suspension, or suffer the same to be by any other person, said company shall forfeit to the injured party for each collection as aforesaid, ten dollars, to be recovered before any justice of the peace for the precinct in which said road is situated.

SEC. 6. *Be it further enacted*, That the right of way is hereby given to said company over the lands through which said road may pass, and any person over whose land said road may pass shall receive such damages as a jury of three disinterested persons in the vicinity of said road may assess, which jury shall be appointed by any justice of the peace having jurisdiction, and the justice of the peace before whom such proceedings are had, shall enter into judgment against said company for the amount of damages so assessed, and enforce the same by execution; Provided, either party may have the right of appeal from the judgment of such justice of the peace.

SEC. 7. *Be it further enacted*, That if any person shall pass over said road and refuse or fail to pay to said company the lawful tolls allowed as herein before provided, when demanded of him or them, such person shall forfeit to the said company five-fold the amount so refused, to be received before any justice of the peace having jurisdiction.

SEC. 8. *Be it further enacted*, That the corporation hereby created shall continue for the term of fifty years; Provided, That the legislature may at any time hereafter have the power to make such changes in relation to the the same as it may deem just and proper.

SEC. 9. *Be it further enacted*, That the stockholders in said company shall be responsible as for all liabilities of said company.

Approved, January 26, 1866.

Power of commission's court.  
Suspension of tolls.

Forfeiture.

Right of way

Appeal.

Refused to pay toll

Limitation of charter

Responsibility of stockholders.

No. 159.]

AN ACT

To incorporate the Alabama College of Physicians and Surgeons , and the Charity Hospital at Montgomery.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That there shall be erected, authorized, constituted and established, in the city of Montgomery, a body corporate, to be called the Alabama College of Physicians and Surgeons at Montgomery.

Corporators.

SEC. 2. *Be it further enacted,* That the corporate powers of said college of physicians and surgeons shall be and are hereby vested in a board of corporators , to consist of the following named persons, citizens of the State of Alabama , to-wit: Thomas H. Watts, Thomas J. Judge, Samuel F. Rice, James H. Clanton, Asa W. Griggs, Benjamin F. Rea, and William H. Barnes.

Privileges of by the corporators.

SEC. 3. *Be it further enacted,* That the said board of corporators shall have perpetual succession, with power from time to time to fill vacancies in their body accruing death, resignation, or refusal to act, of any member of said board; that they may have a common seal and are hereby declared capable of suing and being sued, pleading and being impleaded, and answering and being answered unto, and said corporation may have, take, possess and acquire, by gift, grant, purchase, bequest, or devise, lands, tenements, hereditaments, goods and chattels and other property, and to improve the same, and to convey and alien the same at pleasure.

The same.

SEC. 4. *Be it further enacted,* That said board of corporators and their successors forever, shall have full power and authority to elect their own officers who may act for any length of time, which may be prescribed by the said board.

Faculty and functions thereof.

SEC. 5. *Be it further enacted,* That said board shall have full power and authority to elect and appoint a faculty to teach such sciences and arts as are usually taught in medical colleges, in the United States, and to fill all vacancies which may occur in said faculty by whatsoever cause, and grant and confer such honors and degrees as are usually granted and conferred by medical colleges.

SEC. 6. *Be it further enacted,* That the said board of

Authority of  
board.

corporators shall have full power and authority to elect



the president of the college, and to establish all such rules and regulations , as they in their judgment deem best calculated to promote the interest of the medical profession, and the State.

SEC. 7. *Be it further enacted*, That the said board of corporators be and they are hereby empowered and authorized to establish, in connection with the Alabama college of physicians and surgeons, an institution to be known under the name and style of the charity hospital at Montgomery.

Charity Hos-  
pital.

SEC. 8. *Be it further enacted*, That the said charity hospital shall be erected, authorized, constituted and established for the benefit of such indigent persons, living in the State as shall apply, recommended by the judges of probate of the respective counties in which they may reside.

Purposes of  
hospital

SEC. 9. *Be it further enacted*, That a majority of said board of corporators shall constitute a quorum for the transaction of business. The time and place of holding the meetings of said board shall be appointed by the president thereof, and due notice given to each member when practicable.

Quorum, &c.

SEC. 10. *Be it further enacted*, That all property, real, personal or mixed, of said college and hospital, be and the same is hereby made free and exempt from taxation so long as it is used for the purposes of said college and hospital.

Property ex-  
empt from tax.

SEC. 11. *Be it further enacted*, That no rules, regulations or laws shall be established or enforced by the said board of corporators, contrary to the laws of the State, or of the United States.

Approved, January 31, 1866.

No. 160.]

AN ACT

To amend the laws incorporating the town of Montevallo, in the county of Shelby.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That section 9 of an act entitled “An act to incorporate the town of Montevallo,” which is as follows: “Be it further enacted, That at the first election for

Amendment.

intendant and councilmen under this act the sense of the legal voters of said town shall be taken upon the question of retailing spirituous or vinous liquors within the corporate limits, and to that end it shall be the duty of the returning officer to propose to each voter, as he presents himself, the question, 'retailing or no retailing' and the clerk of said polls shall register the vote given, and it shall be the duty of the judges and clerks to cast up such vote, and if it shall appear that a majority of all the votes cast up are against retailing, then no license shall be granted by the judge of probate of officers of said corporation to retail spirituous or vinous liquors within the corporate limits; but if a majority of all the votes cast are in favor of retailing, then said intendant and councilmen shall have power to license such retailers of liquors which license must not be less than fifty dollars, nor more than three hundred and fifty dollars; Provided, Such person or persons as they may see fit to license shall have first obtained a license from the judge of probate of said county as is now required by law," approved 8<sup>th</sup> of February, 1860, be, and the said 9<sup>th</sup> section is hereby amended by adding after the word "act" in the second line "and at each annual election thereafter," and also by adding at the end of said section, "in the event a majority of the legal voters at any of said elections vote against retailing, it is the duty of the intendant to give notice of that fact to the judge of probate of said county."

The same.

SEC. 2. *Be it further enacted*, That section 5<sup>th</sup> of an act approved 10<sup>th</sup> December, 1861, entitled "An act to amend the charters of the towns of Marion in Perry county and Montevallo in Shelby county," which said section 5 is as follows: "Be it further enacted, That all the provisions of this act shall apply to the town of Montevallo in the county of Shelby; Provided, That this act shall not be so construed as to prevent the corporate authorities of said town of Marion from levying any tax which may be necessary to meet the payment of principal or interest of any debt heretofore legally incurred by the corporation of said town," be, and the same 5<sup>th</sup> section is hereby amended by striking out "that all the provisions of this act shall apply to the town of Montevallo, in the county of Shelby."

Approved, January 31, 1866.

No. 161.]

AN ACT

To re-enact the laws incorporating the town of Oxford in Calhoun county, and to give the corporate authorities of said town additional powers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the act incorporating the town of Oxford, in Calhoun county, approved February 21<sup>st</sup>, 1860, is hereby re-enacted , and that the inhabitants of said town elect the intendant and councilmen, as provided for in said act, on the first Monday in January 1866, who shall hold their office until their successors are elected and qualified, which shall be done on the day and in the manner provided for in said act.

Re-enacts.

SEC. 2. *Be it further enacted,* That the intendant and councilmen shall be authorized to issue license to any person or persons to retail ardent spirits within the limits of said incorporation , for one year, for or upon the payment of a sum not exceeding one thousand dollars, as the board, in their discretion, may seem proper; Provided, said person shall also obtain a license from the probate judge of said county.

License of retailers

Proviso.

SEC. 3. *Be it further enacted,* That any person who shall violate the provisions of the preceding section shall, on conviction thereof before the intendant of said town, for each offense, be fined in a sum not less than twenty-five , nor more than fifty dollars, one-half of the fine to be paid to the informant, and the other to be paid to the treasurer of said board.

Penalty.

SEC. 4. *Be it further enacted,* That the intendant and councilmen of said town shall have power, in case any person or persons fail or refuse to pay such fines as may be adjudged against him or them, to cause such person so failing or refusing, to work on the streets and alleys of said town under the supervision and control of the marshal of said town, a number of days not to exceed the number of dollars adjudged against them in such fine.

Powers.

Approved, January 23, 1866.

No. 162.]

AN ACT

To amend an act entitled "An act to incorporate the town of Livingston, the county site of Sumter county," approved January 10<sup>th</sup>, 1835.

Amends an  
act.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 7 of said act of incorporation which said section is as follows, "And be it further enacted, That the intendant and council shall have power to pass all such orders, by-laws and ordinances respecting the street or streets, market-building, pleasure-carriages, wagons, carts, drays and police of said town that shall be necessary for the security and welfare of the inhabitants thereof, and for preserving the health, peace, order and good government within the said town, and to assess a tax on the inhabitants thereof not exceeding one-third of the amount of the State tax which is paid for property of the same kind; they shall have power to prevent and remove nuisances of every description, to appoint patrols and define their duties, to affix fines against persons violating their by-laws or ordinances not exceeding twenty dollars on each offense, to be recovered before the intendant or any member of the council for the use and benefit of said town, to assess a tax on licenses to retailers of spirituous liquors, and billiard tables kept for use in said town, not exceeding for the former ten dollars and on the latter fifty dollars in any one year; they may have power to appoint a clerk, and treasurer, assessor and tax collector for said town, to affix the salaries and fees of each officer respectively, and define their duties, to confine any person or persons for a time not exceeding six hours who shall incur any penalty or forfeiture inflicted by any of the ordinances of said incorporation passed in conformity to the provisions of this act, and the power vested in said intendant and council," be so amended as to confer on the intendant and council of said town power to imprison in the county jail for not more than two days, any person or persons in case of breach of the peace or disorderly conduct.

Approved, January 16, 1866.

No. 163.]

AN ACT

To incorporate the city of Tuscumbia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the town of Tuscumbia in said State shall hereafter be called the City of Tuscumbia, and that the present and future inhabitants of said city, as by this act incorporated, shall be and they are by this act made and constituted a body corporate and politic under the name and style of the "City of Tuscumbia," under and by which name and style, and acting by and through the proper officers of said incorporation hereafter to be designated, all the corporate powers and privileges of this city by this act granted, shall be executed and carried into effect as required, and under its corporate name, aforesaid, the same city corporation shall sue and be sued, plead and be impleaded, answer and be answered unto, and may purchase, receive, hold and sell, grant, alien and mortgage, assure or let property real or personal, may have and use a common seal, which may be changed at pleasure, and do and perform all acts incident to such incorporations, not inconsistent with the laws of the State.

Incorporation.

Name and style.

Powers.

SEC. 2. *Be it further enacted,* That said city shall consist of all the tract, lots and parcels of land which are included in the former boundaries of the town of Tuscumbia, as laid down on maps of said town.

Boundaries

SEC. 3. *Be it further enacted,* That the government of said city shall be styled "The Mayor and aldermen of Tuscumbia," and shall consist of a chief officer, to be styled "Mayor of the city of Tuscumbia," and four aldermen, to be elected as hereinafter designated.

Mayor and aldermen.

SEC. 4. *Be it further enacted,* That the said city of Tuscumbia shall be divided into four wards, as follows, viz: The north-east portion of said city, extending from Main street on the west and Fifth street on the south to the limits of said city north and east, shall be Ward No. 1. The north-west portion of said city, extending from Main street on the east and Fifth street on the south, to the limits of said city on the north and west, shall be Ward No. 2. The south-west portion of said city, extending from Fifth street on the north and from Main street on

Division of wards.

the east , to the limits of said city on the west and south

Election of aldermen and mayor.	<p>shall be Ward No. 3; and the south-east portion of said city, extending from Fifth street on the north and Main street on the west, to the limits of said city on the south and east, shall be Ward No. 4.</p> <p>SEC. 5. <i>Be it further enacted</i>, That the election for aldermen shall be on the first Monday in April of each and every year, at which election five aldermen shall be elected by the qualified voters of said city, one alderman from each ward and one from any portion of the city at</p>
Term of office.	<p>large, who shall elect from among themselves a mayor making the corporate authorities to consist of one mayor and four aldermen, who shall hold office and discharge the duties of mayor and aldermen until their successors are duly elected and qualified; and the board of mayor and aldermen shall direct and superintend said elections, and shall have power to prescribe the mode in which all elections shall be conducted, the mode of returning and counting the votes; the votes to be returned to the existing mayor and by him laid before the board to be examined and counted; and shall have full power to determine all matters in relation to elections and be judges of the</p>
Officers howsame; elected.	<p>and the Mayor and aldermen shall have power to elect a secretary, treasurer and constable, from time to time, as they shall see fit, and discharge them at their discretion; and shall have power to fix the fees and salaries of mayor, secretary, treasurer and constable and to impose on them such fines for neglect of duty in office, not exceeding fifty dollars, as they may deem necessary. In</p>
Fees and salaries.	<p>case of temporary disability of said officers, the said mayor and aldermen shall be empowered to appoint substitutes in their places until their disability be removed.</p>
Neglect of duty.	<p>The said mayor and aldermen are also empowered to lay</p>
Fines.	<p>such fines, not exceeding fifty dollars , for breach or breaches of their by-laws or ordinances, as they may deem proper, and to enforce and collect the same, in such manner as may be prescribed by ordinances by execution against the person or property, or committing to jail, as they may deem necessary or proper , which fines shall be paid into the city treasurer, and the mayor and aldermen shall have power to build a city jail for said city.</p>
City jail.	<p>SEC. 6. <i>Be it further enacted</i>, That every white male inhabitant of 21 years of age who has resided in the city</p>
Qualifications of voters.	<p>of Tuscumbia one year and who shall have paid his city taxes for the year preceding the election, will be a legal</p>

or qualified voter and not otherwise; and that no person



shall be elected aldermen who has not paid his city taxes for the year preceding his election.

SEC. 7. *Be it further enacted*, That the mayor and aldermen shall have full power to assess and collect such taxes by way of license for retailing spirituous or vinous liquors, or for keeping a nine or ten-pin alley, or billiard room or saloon, as they may deem expedient; and if any person shall retail spirituous or vinous liquors, or keep a nine or ten-pin alley or billiard room or saloon without first taking out a license and paying such tax therefor as the said mayor and aldermen may have by ordinance fixed, it shall be lawful for the mayor upon proof of the breach of such ordinance to fine the offender any sum not exceeding fifty dollars for each day such person may have continued to violate said ordinance, and to issue his execution therefor, by virtue of which execution the constable may levy upon any property of the offender liable for his debts, and if execution is returned "no property found," said offender may by order of the mayor be confined in jail, not exceeding one month; Provided, that if said offender pays the amount due on said execution, he shall be released from custody.

Powers.

Licenses and fines.

Proviso.

SEC. 8. *Be it further enacted*, That the mayor and aldermen may enact such ordinances and by-laws , not conflicting with the Constitution of the State or United States , as they may deem proper for the protection of life, person and property and for the maintenance of good order and quiet in said city , and may affix such fines to a violation of said ordinance or by-laws, as they may deem proper; and the mayor, upon proof of such violation may assess fines, not exceeding fifty dollars, for such violations and collect the same by execution as provided in last section, or as he may deem proper; and should any person refuse and fail to pay such fine as may be assessed by the mayor under said ordinances and by-laws , then the mayor shall have power to issue his mittimus directing said person to be arrested and confined in jail any number of days not exceeding one month, and the constable shall arrest such person and confine him in jail, as directed by the mayor in his mittimus.

Ordinances and by-laws.

Penalties.

SEC. 9. *Be it further enacted*, That whenever any vacancy may occur in the board of mayor and aldermen, by death, resignation or otherwise, the board of mayor and aldermen shall have power to fill such vacancy until the

Vacancies.

next succeeding annual election.

13

Mayor *ex officio* J. P.

Constable's authority.

Duties of county officers

Powers of mayor and aldermen.

By-laws.

SEC. 10. *Be it further enacted*, That the mayor shall be and is hereby vested, *ex officio* , with, and may exercise in said city all the powers and authority that belong to justices of the peace by the laws of the State; and the constable of said city shall, *ex officio*, be vested with and exercise all the powers and authority of other constables of the State, and the said mayor and constable shall be liable respectively to the same penalties and restrictions as are imposed by the laws of the State upon the several offices with which they are invested, and the sheriff of the county of Franklin and all ministerial officers shall obey the mandate of said mayor and truly and faithfully execute the warrants or process committed to them for service, according to the mandate, and it is made the duty of the jailor of said county to receive all prisoners committed for violation of laws of the State, by warrant of said mayor and the person or persons so committed safely to keep confined in close jail until delivered therefrom by due course of law.

SEC. 11. *Be it further enacted*, That said mayor and aldermen shall have power to change, alter, abolish and close any streets, or parts of streets , and to dispose of same, and establish new streets, whenever they may deem it for the interest of said city; Provided, They shall not so do without first paying to any person or persons injured thereby such damages as may be assessed by a jury of seven freeholders or householders, to be summoned by the constable, and seven by a justice of the peace, to assess the damages fairly; and provided further, that either party may appeal to to the next circuit court; and the said mayor and aldermen shall have full power and authority to make, ordain and enact such laws and regulations, not contrary to the laws and Constitution of the State, as they may deem proper, in relation to the streets, highways, alleys, to clear and keep them in repair, public buildings and grave-yard, and other property of said city, and every other matter and thing they may think necessary in relation thereto, for the good order and welfare of said city, and also provided, no streets shall be closed unless by a vote of the legal voters of said city.

SEC. 12. *Be it further enacted*, That the said mayor and aldermen shall have power and authority to pass all such by-laws as may be deemed necessary and proper for their own government , not inconsistent with the Consti-

tution and laws of the State, and the same to alter and

repeal at pleasure, and to pass and enforce all ordinances necessary and proper to prevent contagious or infectious diseases from being introduced or kept in said city, and to preserve the health of its inhabitants; to prevent and remove all nuisances at the expense of the person causing the same, or upon whose property it may be found; to license, tax, regulate or restrain, all shows and theatrical amusements, exhibitions and lectures , to prohibit and suppress gaming and gaming-houses, and houses of ill-fame within said city; to establish night-watches , and day-watches and patrols and to appoint leaders and captains thereof; to establish necessary inspections, and erect and regulate markets and fix the assize of bread, to regulate the sales at auction; Provided, The same shall not extend to sales under execution by order of court, or by executors, administrators, or any fiduciary officer; to erect public scale-houses, with proper scales, weights and measures, and to appoint weighers and measurers to weigh and measure in case of disagreement between buyer and seller; to license and regulate wagons, carts, drays, hacks and carriages running in said city for hire and generally to pass such by-laws and ordinances as may be deemed necessary and proper to carry into effect the true intent and meaning of this act, and the same to enforce , alter and repeal.

SEC. 13. *Be it further enacted*, That the inhabitants of such city of Tuscumbia shall be exempt from working on roads and highways out of said city, and from patrol duty out of it; but streets and highways in said city shall be kept in repair by said city, and all male persons within the limits of said city, between the ages of twenty-one and forty-five , shall be liable to work on street, and between the ages of eighteen and forty-five shall be liable to patrol duty within the precincts of the city, and subject to serve as guard or watch at such times and in such numbers as may be prescribed by the said mayor who are residents of said city and have been ten days in said city.

SEC. 14. *Be it further enacted*, That all property claims or demands of whatever description belonging to the Town of Tuscumbia, shall be vested in the City of Tuscumbia and all debts, contracts, or liabilities owing or incurred by said town, shall be good and enforced against the city, and the corporation of said town shall

Health.

Further powers and duties.

Exemptions

Street and patrol duty.

Property vested in city.

and may subsist as long as necessary for enforcing and

	collecting all claims and dues, or the same may be enforced and collected by said city.
Duties of mayor.	SEC. 15. <i>Be it further enacted</i> , That it shall be the duty of the mayor to preside and keep order at all meetings of the board of mayor and aldermen; he shall call extra meetings when he thinks proper ;he shall hear and determine upon all causes for breach of the ordinances and by-laws and may receive such fees and salary, if any, as may be prescribed by the mayor and aldermen.
Fees.	In absence or inability of the mayor, the board shall elect one of their own number mayor , pro tempore, who shall discharge the duties of mayor and be entitled to their benefits until the mayor returns, or his inability is removed. Two aldermen may call a meeting. The mayor and two aldermen shall from a quorum for business.
Quorum.	SEC. 16. <i>Be it further enacted</i> , That said mayor and aldermen may cause an assessment of taxes to be made in each and every year by the secretary of the same, or any competent deputy they may accept in his place,
Taxes.	whose duty it shall be to receive from every person liable to tax in said city his or her declaration, under oath, of every item and particular upon which said person is liable to be taxed, together with its valuations at and within the time appointed by the mayor and aldermen, in the same manner and with the same restrictions as apply to regular county and State assessments of the State; and if any person refuses to give in his or her assessment list, or , in the judgment of the secretary or other assessing officer, places an unfair valuation upon the property returned, it shall be the duty of said secretary , or or other assessing officer, to assess the same at what he believes to be a fair value, and likewise to assess all property whose owner or owners may not be known, and the said assessment or assessments one and all , shall be returned to the mayor , to be laid before the board of mayor and aldermen , and the mayor shall give at least ten days' public notice that assessments are closed, and the time when the board will proceed to hear and determine upon all complaints which may be made against such assessment, and it shall be the duty of the said mayor and aldermen to correct errors , supply omissions or deficiencies, and when the same as been passed upon by said mayor and aldermen, the said assessment shall have the force of a judgment and execution, and may be collected by levy and
Assessment.	
Duty of secretary.	
Complaints.	

Collections.

sale of property or giving such notice as is required by



law on executions from the circuit court, and when “no property found” is returned upon said affidavit, the mayor may issue a *copias ad faciendum*; and all sales of property made under or by virtue of said assessment shall convey to the purchaser the same title as if sold by execution from the circuit court; and the mayor shall, in case of sale of real estate, give the purchaser a deed of conveyance, which shall vest in the purchaser the same interest that was held by the person against whom such tax was assessed, at the time of such assessment; and when the owner is not known, the entire equitable and legal interest in such real estate, discharged of all liens; Provided, That when a tax is assessed upon property the owners of which are unknown, ninety days’ notice of the sale, specifying the property and the tax, shall be given in some newspaper printed in said city, or nearest thereto, at the expense of the property, and provided that the owner of any real estate shall have the right to redeem the same, by paying to the mayor of said city for the party interested the amount of the purchase money, with interest thereon, at the rate of twenty per cent. a year from the date of the sale, the cost of the certificate of purchase, all taxes which have accrued thereon subsequently to the sale, together with all costs and charges, any time before the expiration of two years from the date of sale; but the provisions in the laws of this State in favor of infants and lunatics, in this respect will apply to their benefits as for common taxes.

SEC. 17. *Be it further enacted*, That in addition to the powers already conferred by this act, the mayor and aldermen shall be and are hereby empowered to pass ordinances or by-laws to regulate or prevent the erection of wooden buildings in such parts of said city as, in their opinion, the public good may require, and pass ordinances for the punishment of such as may injure or deface the public buildings or grounds, and shall also have full power and authority to establish a grade for streets, and grade the same.

SEC. 18. *Be it further enacted*, That should an election not take place on the day fixed for the annual election of aldermen, the corporation shall not for that cause be dissolved, but the incumbents shall remain in office until their successors shall be elected and qualified, and it shall be the duty of the board of Mayor and aldermen to fix

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Proviso.

Redemption.

Additional Powers.

Remedy for no election.

Oath.

some other day as early as convenient , on which such election shall be held.

SEC. 19. *Be it further enacted*, That the Mayor and each aldermen, before entering upon the duties of their office, shall make and subscribe the following oath, viz.: “That, I, A. B., will faithfully , to the best of my skill and judgment , perform the duties required of me as mayor and aldermen , without favor or partiality,” which oath shall be filed in the office of the secretary of the board.

Present mayor and aldermen of town to continue.

SEC. 20. *Be it further enacted*, That all laws and parts of laws which may contravene any of the provisions of this act, shall be and the same are hereby repealed, and that this act shall take effect from and after its pasasge; and that the present mayor and aldermen of the Town of Tuscumbia shall be mayor and aldermen of the City of Tuscumbia under this act, until the next annual election on the first Monday in April, 1866, and that all acts heretofore done by them for the government of said town of Tuscumbia, not inconsistent with the Constitution of the United States and of the State of Alabama, are hereby declared valid.

Approved, December 14, 1865.

No. 164.]

AN ACT

To incorporate the Perry Insurance and Trust Company.

Name and style.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That there shall be established in the town of Marion, the county of Perry, a company to be called and known by the name and style of “The Perry Insurance and Trust company,” and that the same be invested with powers and authority to make general insurance upon houses, stables, machinery, corn, cotton, and other produce , upon lives and health , both of white and colored persons, upon stock of every description, upon vessels, boats, freight, money, goods, wares, and merchandize and other species of property, against loss in any manner by fire , dangers of the sea, rivers or otherwise, at such rate of premium as such company may agree to; and to

Insurance upon what.

Rates of pre-transact mium.

all such matters as appertain to an insurance company; and also, the said company is empowered and

authorized to loan its money or funds, from whatever source received, at interest, to invest the same in real or personal securities by discounting, and deal with the same in the purchase and sale of domestic and foreign exchange. And the said company may, and is hereby authorized to receive in trust, or on deposit, all funds, or monies that may be offered to them on interest or otherwise, and may give acknowledgments for deposit, in such manner and form as they may deem convenient and necessary to transact such business; Provided, said incorporation, shall not make any certificates or acknowledgments for deposits, to pass or circulate as money, deal in, or use the bills of any foreign banks, and all such persons as shall become stockholders of said company, and their successors, shall and may have continual succession, and shall be capable in law, of suing and being sued, pleading and being impleaded, answering, and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and they and their successors, may have a common seal, and may change and alter the same at pleasure. And also, they and their successors, by the name and style and title of "The Perry Insurance Company," shall be capable in law of purchasing, holding and conveying all kinds of real estate, as well as personal, for the use of said corporation, subject to the restrictions hereinafter mentioned. And the said company may have as a capital stock one hundred thousand dollars, with the privilege of increasing the same to two hundred and fifty thousand dollars, whenever the board of directors deem it expedient, divided into shares of one hundred dollars on each share.

SEC. 2. *Be it further enacted,* That books for subscription shall be opened in the town of Marion, for said shares, on the 1<sup>st</sup> day of March, 1866, under the superintendence of William N. Wyatt, W. R. Brown, Wm. M. Brooks, E. A. Blunt, S. H. Fowlks, L. C. Tutt, Richard H. Lee, F. A. Bates, Wm. Hendrix and J. P. Whittitt, or any five of them, which books for subscription shall continue open, until fifty thousand dollars be subscribed, but no share or shares, shall entitle the holder to vote at any time of an election, unless the same shall be held *bona fide* by him or her, at least ten days next immediately before such election.

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Power as to money.

Proviso.

Rights of stockholders.

Capital stock.

When and where bank to be opened.

Superintendents.

SEC. 3. *Be it further enacted*, That there shall be

Directors and qualifications.	chosen seven directors, who shall hold their office for one year, and until their successors shall be duly qualified, which directors at the time of their election, and during their continuance in office, shall be holders in their own right, of at least ten shares, and shall be elected annually after their first election, at the office of said company, or at any other convenient place, in the town of Marion, and
Notice of election.	at such time of the day as the president of the company may appoint, of which election, notice shall be given in a newspaper, published in Marion , at least ten days before said election, and said election shall be by ballot in person or by proxy, and each stockholder shall be entitled for every share to one vote, and that if no election takes place on such day, the president may order the same from time to time, until an election be effected.
Manner of electing	SEC. 4. <i>Be it further enacted</i> , That the directors of said company in the first instance, shall be chosen in the following manner , to-wit; as soon as fifty thousand dollars shall have been subscribed , the said W. N. Wyatt, W. R. Brown, Wm. M. Brooks, E. A. Blunt, S. H. Fowlks, L. C. Tutt, Richard H. Lee, F. A. Bates, Wm. Hendrix and J. P. Whitsitt, or a majority of them shall appoint a place in the town of Marion, for proceeding to the election of said seven directors, and shall give at least ten days notice of the same in a newspaper published in the town of Marion, and it shall be lawful for said election to be then and there held, under the before mentioned persons, by the stockholders and the persons then and there chosen , shall be the first
Term of office directors	of the company, and shall serve for one year, and until their successors are qualified, and that said directors, shall meet as soon as convenient after such their election, and choose out of their own number a
President.	president, who shall serve until another board be elected, and qualified , and in case of vacancy, the directors shall
Vacancy.	choose another of their body in like manner president.
By-laws.	SEC. 5. <i>Be it further enacted</i> , That the directors or a majority of them, shall have power to fill vacancies in their own body, and to make and prescribe and alter such by-laws , rules and regulations, as to them shall appear needful and proper, for the management and disposition of the stock, property and effects of said company; Provided, They shall not be repugnant to the constitution and laws of the State.

SEC. 6. *Be it further enacted*, That the board of directors

of said company shall have power to regulate the number of their body, necessary to transact business of the company.

Quorum.

SEC. 7. *Be it further enacted*, That the president and directors of said company shall have full power and authority to appoint and remove at pleasure, all officers and agents of said corporation, to fix their compensation prescribe their duties, provide for the taking of bonds from them, for the security of said corporation, for the faithful performance of their duties, and said directors, shall and may appoint a president *pro tempore*, when the president may be absent from their meetings. And if the president or any director shall be absent without leave for five successive regular meetings of the board, a majority of the same may declare his place vacant and proceed to fill it, without notice to such absent president or directors.

Power of president and directors.

SEC. 8. *Be it further enacted*, That any stock in said Perry Insurance and Trust Company owned by persons indebted to said company, whether as principal or security to others, and whether said indebtedness be due or has not yet matured shall at the option of the directors of said company, be held as security until said indebtedness is discharged, and in case of failure of payment, of said indebtedness, within thirty days after maturity of the same, the directors shall have power to sell said stock or as much thereof, as will satisfy said indebtedness, by advertising the same, for ten days, in some newspaper published in Marion, and without any further notice to the owner thereof.

Security for stock.

SEC. 9. *Be it further enacted*, That said corporation shall be responsible to its creditors, to the extent of its property, and the stockholders, to the extent of the amount of their respective stock not paid up.

Extent of responsibility.

SEC. 10. *Be it further enacted*, That all bonds, bills of exchange, drafts, and promissory notes, payable in or at the office of the Perry Insurance and Trust Company, shall have the same legal effect, and be subject to the same legal remedies, as if the same were made payable in or at a bank or banks of the State.

Legal effects and remedies.

SEC. 11. *Be it further enacted*, That no insurance shall be made by the said corporation, until fifty thousand dollars of stock be subscribed and secured.

When insurance made.

SEC. 12. *Be it further enacted*, That the corporate

Limit of char-

rights and franchises conferred by this act, shall cease ter.



and determine at the expiration of fifteen years from the passage of this act.

Approved, February 3, 1866.

No. 165.]

AN ACT

To incorporate the city of Mobile.

Incorporation

Name and  
style

Privileges

Boundaries  
city

Division and  
Boundaries

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the corporation of the city of Mobile

shall hereafter consist of a mayor, board of aldermen, and board of common council, and shall be known and styled as the mayor, aldermen and common council of the city of Mobile, and by their corporate name may sue and be sued, implead and be impleaded, grant, receive and do all other acts as natural persons, and may purchase and hold real, personal and mixed property, or dispose of the same for the benefit of said city, and may have and use a city seal, which may be broken or altered at pleasure.

SEC. 2. *Be it further enacted,* That the limits and boundaries of the said city of Mobile shall be as follows, to-wit: commencing at the north bank of bayou Chetaugue at its mouth, thence running east to the east bank of Spanish river, thence down the east bank of said river to the extreme southern point of the island thence south to a point which will intersect the south boundary of township No. 4, thence west to a point where a north line will strike the bayou Chetaugue at the old portage, thence down the left bank of said bayou to the place of beginning.

SEC. 3. *Be it further enacted,* That the said city of Mobile shall be divided into eight wards, to be numbered and designated as wards Nos. 1, 2, 3, 4, 5, 6, 7, and 8, which wards shall be divided and bounded as follows: ward No. 1 shall commence at the intersection of the eastern and northern boundary lines of the city, thence running southwardly along the east boundary line of the city, to its intersection with the center of St. Louis street, thence westwardly along the center of St. Louis street, to its intersection with Franklin street, thence northwardly along the center of Franklin street, to its intersection

with the north boundary line of the city, thence along

the said north boundary line eastwardly to its intersection with the east boundary line of the city, being the place of beginning; ward No. 2 shall commence at the intersection of the east boundary line of the city and the center of St. Louis street, thence running southwardly along said east boundary line to its intersection with the center of St. Francis street, thence westwardly along the center of St. Francis street to its intersection with the center of Franklin street, thence northwardly along the center of Franklin street to its intersection with the center of St. Louis street, thence eastwardly along the center of St. Louis street to its intersection with the said east boundary line, being the place of beginning; ward No. 3. shall commence at the intersection of the east boundary line of the city and the center of St. Francis street, thence running southwardly along said east boundary line to its intersection with the centre of Conti street, thence westwardly along the centre of Conti street to its intersection with the centre of Franklin street, thence running northwardly along the centre of Franklin street to its intersection with the centre of St. Francis street, thence eastwardly along the centre of St. Francis street to its intersection with the said east boundary line, being the place of beginning; ward No. 4 shall commence at the intersection of the east boundary line of the city and the centre of Conti street, thence running southwardly along said east boundary line to its intersection with the centre of Munroe street, thence westwardly along the centre of Munroe street to its intersection with the centre of Franklin street, thence northwardly along the centre of Franklin street to its intersection with the centre of Conti street, thence eastwardly along the centre of Conti street to its intersection with the said east boundary line, being the place of beginning; ward No. 5 shall commence at the intersection of the east boundary line of the city and the centre of Munroe street, thence running southwardly along said east boundary line to its intersection with the south boundary line of the city, thence westwardly along said south boundary line to its intersection with the centre of Franklin street, thence northwardly along the centre of Franklin street to its intersection with the centre of Munroe street, thence eastwardly along the centre of Munroe street to its intersection with the east boundary

line of the city, being the place of beginning; ward No.

6 shall commence at the intersection of the south boundary line of the city and the centre of Franklin street, thence running northwardly along the centre of Franklin street to its intersection with the centre of Dauphin street thence westwardly along the centre of Dauphin street as far as the intersection of Wilkinson street, from thence south along the centre of Wilkinson street to the connection of said street with Washington avenue, formerly called Dog River Road, and thence along the centre of said avenue or road to the south boundary line of the city; ward No. 7 shall commence at the intersection of the centre of Dauphin and Franklin streets thence running westwardly along the centre of Dauphin street as far as the intersection of Wilkinson street, from which point continuing westwardly along the centre of the Spring Hill road to the west boundary line of the city, thence northwardly along said west boundary line to its intersection with the north boundary line of the city, thence eastwardly along said north boundary line to its intersection with the centre of Franklin street , thence southwardly along the centre of Franklin street to its intersection with the centre of Dauphin street, being the place of beginning; ward No. 8 shall commence at the centre of the intersection of Dauphin and Wilkinson streets, and Spring Hill road, thence north-westwardly along the centre of Spring Hill road to the west boundary line of the city, thence southwardly along the western boundary line of the city to the south boundary line thereof, thence east along the said south boundary line of the city to a point where said line intersects with Washington avenue, or Dog River road, thence north through the center of said Washington avenue, or Dog River road, to its connection with Wilkinson street, and thence along the centre of Wilkinson street to the place of beginning.

SEC. 4. *Be it further enacted*, That no person or person or common council aforesaid, unless he or they be free white male citizens of the United States , of lawful age and shall have lived within the corporate limits of the said city at least twelve months immediately preceding the time of their election, and shall have paid into the city treasury a tax within the last municipal year, unless exempted by law from the payment of the same.

Eligibility of sons shall be eligible to the office of mayor , aldermen officers.

SEC. 5. *Be it further enacted*, That the board of alder-

men shall consist of three aldermen for each ward, and the board of common council shall consist of eight members, to be elected as hereinafter provided; Provided, One of the said common councilmen shall reside in each of the several wards.

SEC. 6. *Be it further enacted*, That the mayor of the said city and the eight common councilmen shall be elected by ballot in general ticket by the free white male inhabitants of said city of or over the age of twenty-one years, who are citizens of the United States, and have resided in the city at least twelve months immediately preceding the election and who have paid into the city treasury a tax within the last municipal year, previous to the election, unless exempted by law from the payment of the same; and the aldermen aforesaid shall be elected by ballot by the citizens of their respective wards who shall be respectively qualified as aforesaid, but no person shall be so eligible to the office of aldermen , or qualified to vote for the same, unless he or they shall have been residents of the ward for at least twenty days immediately preceding the day of election.

SEC. 7. *Be it further enacted*, That the persons elected at the municipal election, held in the city of Mobile on the first Monday of December, A. D. 1865, to fill the respective offices of mayor and common council of the city of Mobile, pursuant to an ordinance of the State convention of 1865, shall hold their offices for the term of three years from the date of said election, and as a new ward called the eighth ward has been created, resulting from a division of the sixth ward into two wards; therefore, on the first Monday of March, 1866, an election shall be held by the qualified voters of said city in the manner prescribed by this act, for one councilman to represent the eighth ward, whose term of office shall expire on the first Monday of December , 1868, and no general election shall be held hereafter for either of the offices of mayor and common council oftener than once in every three years , but that when a vacancy shall occur in the mean time in either or any of said offices the same shall be filled in the manner now prescribed for the balance of the unexpired term, for which such mayor or common councilman was elected, whose office shall be so vacant.

SEC. 8. *Be it further enacted*, That at the municipal election held in said city on the first Monday of

Number of aldermen and common council, and residence.

Election of mayor and councilmen.

Qualification of voter.

Election of aldermen.

Qualification of voters.

Term of present offices.

Election in 8<sup>th</sup> ward.

Term of office.

Election once in three years.

Vacancies.

December , 1865, at which said election, three aldermen



Term of alderman's office	for each of the then seven wards were elected, by the qualified voters thereof respectively, pursuant to an ordinance of the State convention of 1865, of which said aldermen for each ward, shall hold his office for the term of one year, one for the term of two years and one for the term of three years, from the date of said election in 1865, and no longer. Now, therefore, as a new ward called the eighth ward, has been created by this act, resulting from a division of the sixth ward into two wards, and as one of the aldermen so elected resides in the limits of the eighth ward, and two reside within the sixth ward, as defined herein, and in order that said wards may be represented, as contemplated by this charter, there shall be held on the first Monday of March, A. D., 1866, an election by the qualified voters thereof; one alderman for the sixth ward, and two aldermen for the eighth ward, whose terms of office shall expire on the first Monday in
Election of aldermen in 6th and 8 <sup>th</sup> wards.	December in each municipal year, as they may draw by
Terms of office by lot.	lot the long or short terms respectively, and that on the first day of November, 1866, if not already done, the said three aldermen so elected for each ward, shall in the presence of the board of aldermen, which shall be organized as now required, so far as may be, and in such manner as said board shall direct, determine by lot, which one of said three aldermen for each ward shall hold his office for one, and which for two, and which for three years, so that thereafter, commencing at the next election, in 1866, one alderman from each ward, and no more shall be annually elected at the said municipal election in each year, who shall hold his office for the term of three years, and no longer; all vacancies in said board of
Vacancies.	aldermen by death, or otherwise, to be filled in the manner pointed out by the laws now in force, and for the unexpired time of the persons whose office shall become vacant.
Inspectors of side at elections and their duty.	SEC. 9. <i>Be it further enacted</i> , That the mayor, aldermen and common council for the time being, shall appoint three inspectors for each ward in the city, to pre-
Certificate of election.	the election for mayor, aldermen and common council; the certificate of which inspectors shall state the number of votes taken, and who are highest on the list; and said certificate being filed with the clerk of the said city of Mobile, shall be evidence as to those who are elected mayor, aldermen and common councilmen for

said city, and within three days after the said , or any sub-

sequent election, each person who shall be entitled shall take the following oath: "I do solemnly swear of affirm that I will truly and faithfully execute the duties of mayor, alderman, or common councilman, (as the case may be,) as prescribed in this act, and that I will not during my continuance in office, be directly or indirectly engaged in any contract with the corporation, or sell to, or buy from it in any estate, interest or matter whatever and all contracts entered into in which any officer or member of the corporation other than for efficient members, either directly or indirectly, shall be void."

Oath of office.

Void contract.

SEC. 10. *Be it further enacted*, That the mayor, for the time being, shall give ten days public notice, by advertising in some public newspaper printed in the said city of Mobile, or by posting up such notice in two or more of the most public places within said city, of the time and place of holding said elections; which elections must be holden in the several wards of the said city, and the said inspectors of judges shall have full power and authority to keep order at the place of holding said elections and to commit to the jail of the county for a time, not exceeding 48 hours, any person who shall attempt to make or make any disturbance at the place of holding the said elections, so as to interfere with the peaceable and orderly conducting of said elections; and the sheriff of the county of Mobile, and all police officers of the city of Mobile, are hereby commanded to obey and carry into execution, all process issued by the said judges or inspectors as aforesaid, in pursuance of this act; and if there should be an equal number of votes between any two or more persons who shall have been voted for at said election, and the choice of mayor, aldermen and common councilmen, or any or either of them is prevent thereby, the said judges or inspectors shall declare the fact, and shall issue notice in the same manner and form as is required by this act for the regular election, for a new election to fill the vacancy occasioned by those having an equal number of votes.

Notice of elections.

Powers and duties of inspectors.

Duty of sheriff and police officer.

Equal number of votes.

New election.

SEC. 11. *Be it further enacted*, That the polls for said election of mayor, aldermen and common councilmen, shall be kept open from eight o'clock in the morning until four o'clock in the evening, and no longer, for the reception of ballots; and on closing the polls, the judges shall proceed immediately, and in a public manner to

Time of opening and closing polls.

Certificate of

count the ballots, and when the certificate of the said

election.

<p>Contested election.</p>	<p>judges or inspectors shall be filed as aforesaid, the clerk shall immediately give to each person a certificate of his having been duly elected.</p> <p>SEC. 12. <i>Be it further enacted</i>, That if any municipal election shall be contested in the city of Mobile, it shall be before the judge of the circuit court of the Mobile district, or judge of the city court of Mobile. Testimony may be taken by a justice of the peace , or before a commissioner appointed by the judge trying to cause, for that purpose, or may cause the witnesses to come before him, and depose in the case.</p>
<p>Disposition of ballots.</p>	<p>SEC. 13. <i>Be it further enacted</i>, That the ballots at the several polls or precincts in the city of Mobile , shall be carefully sealed up without examination, after said election, and shall be by the managers deposited with the city clerk , who shall preserve the same for fifteen days and then if there be no contest, said city clerk shall cause the same to be burned in his presence, but in the event of a contest, they shall be delivered to the judge trying the same.</p>
<p>Notice of contest.</p>	<p>SEC. 14. <i>Be it further enacted</i>, That the party contesting shall file his application, and give notice of said contest to the judge before whom he wishes said contest tried, and the person or persons whose election are so contested, within fifteen days next succeeding and election.</p>
<p>Notice of and fees for taking testimony.</p>	<p>SEC. 15. <i>Be it further enacted</i>, That when testimony is taken under this act, the opposite party shall have two days previous notice of time and place, and the party taking depositions shall receive fees as follows , to-wit: For each hundred words, fifteen cents ; for each notice or certificate to the officer serving notices, or subpoenas, each fifty cents, to be paid by the party at whose instance the said service is performed.</p>
<p>Duty of judge.</p>	<p>SEC. 16. <i>Be it further enacted</i>, That after said testimony is completed , said judge trying the cause shall examine the poll-list and ballot, and pronounce judgment in the case according to the facts developed.</p>
<p>President of boards.</p>	<p>SEC. 17. <i>Be it further enacted</i>, That the board of aldermen shall select one of their own body as presiding officer; it shall be the duty of the said board to convene once in each week, and the board of common council shall</p>
<p>Time of meet-</p>	<p>board shall assemble weekly, but not on the same day</p>

ing.

that the board of aldermen convene.

SEC. 18. *Be it further enacted*, That the said boards of aldermen and common council shall severally be the judges of the election and qualification of their respective members, except so far as restricted by sections 12, 13, 14, 15 16.

Judges of election.

SEC. 19. *Be it further enacted*, That in case of the sickness of temporary absence of the mayor from the city, the duties of his office shall be performed by the president of the board of common council, and in case of the absence , inability or refusal of the latter to attend to the said duties, the same shall be performed by the president of the board of aldermen, and in case of the death of the mayor, his resignation or inability to discharge the duties of his office, or absence from the city for two consecutive months without permission of both board, his office shall be declared vacant by said boards, who, after giving five days' public notice , shall proceed in joint convention to elect his successor, and until such successor is elected and qualified, all the duties of the mayor as defined in this charter shall be performed by the president of the board of common council , and in the case of his absence, inability , or refusal , then by the president of the board of aldermen; and the person so acting shall receive the salary of the mayor for the time being. The receiving of salary shall not apply to the person acting mayor in the cases of sickness or temporary absence of the mayor.

Sickness of absence of mayor

Who presides.

Vacancies

How filled.

Salary.

SEC. 20. *Be it further enacted*, That no person residing out of the corporate limits of said city shall be eligible to the office of mayor of said city; and if the mayor shall after his election remove his domicil out of the limits, he shall thereby forfeit and vacate his office.

Ineligibility of mayor

SEC. 21. *Be it further enacted*, That in case any member of either of the boards of aldermen or common council shall die, resign, be unable to discharge the duties of his or their office or offices or be absent from the city for two consecutive months without leave of the board of which he is a member, or if any alderman or aldermen shall after his or their election remove from the ward for which he or they were elected, the seat of any such member or members of either of said board shall be declared vacant and the said vacancy filled by the board in which it occurs, of which five days' public notice shall be given.

Vacancies in boards.

How failed.

SEC. 22. *Be it further enacted*, That the said mayor

aldermen and common council shall have full power to

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Officers and agents how elected.	elect or appoint in a convention, to consist of the mayor and the said two boards, all officers and agents which may be deemed necessary for the purpose of said corporation, and the compensation, duties and security for the faithful performance of the duties of said officers and agents shall be fixed by the said mayor, aldermen and common council, and the said officers and agents may be removed and displaced at the pleasure of said convention, and the compensation of such officers and agents shall cease from
Duties and compensation	
May be removed.	the time of such displacement or removal.
Term of office.	SEC. 23. <i>Be it further enacted</i> , That the terms of office of all officers of said city annually elected shall commence on the first day of January of each year, and continue one year, and until their successors shall be duly elected and qualified.
Clerk.	SEC. 24. <i>Be it further enacted</i> , That the treasurer for the time being shall perform the duties of clerk of the common council.
Assessor elected.	SEC. 25. <i>Be it further enacted</i> , That there shall be an officer called the "city tax-assessor," and that the city tax-assessor elected on the 9 <sup>th</sup> of January , 1866, except for the city of Mobile, shall hold his office for the term of three years, from the first day of January, 1866, except when a vacancy shall occur in the said office of assessor by death, resignation or removal, in which event an assessor shall be elected, who shall hold his office from the date of his election to fill such vacancy for the unexpired term of his predecessor, and that said assessor shall be elected by the mayor, aldermen and common council of said city every three years thereafter; that said assessor shall hold his office in the municipal buildings of said city, devote his entire time and attention to the duties appertaining to his said office of assessor, and that the books and papers relating to his said office, shall at all
Term of office.	
Place of office.	
Duties.	proper times be kept open to public inspection; that once in each year, under such regulations and in such periods of time ordain and appoint , the said assessor shall make an assessment of all the property in said city liable to be assessed , and that for the performance of the duties of his said office the said assessors shall be compensated in such manner and to such an extent as the said corporate authorities may from time to time ordain and establish, but in no case to be changed during the official term of any assessor.
Compensation.	



SEC. 26. *Be it further enacted*, That there shall be an officer called “city engineer” and that the city engineer elected on the 9<sup>th</sup> day of January, 1866, in and for the city of Mobile , shall hold his office for the term of three years from the first day of January, 1866, except when a vacancy shall occur in the said office of city engineer by death, resignation , or removal, in which event a city engineer shall be elected, who shall hold his office from the date of his election to fill said vacancy for the unexpired term of his predecessor; and the said engineer shall be elected by the mayor, aldermen and common council of said city every three years thereafter; he shall keep his office in the municipal buildings , together with all surveys , field-notes, maps, charts, diagrams, &c., and all papers &c., memoranda relating to his said office of city engineer, or which may be necessary or proper for a perfect understanding of his acts in his said office , all of which shall be entered by him in suitable books, to be provided by and to be the property of the city, which books shall be at all times open to public inspection under such regulations as the corporate authorities shall from time to time prescribe. The foregoing duties to be additional to those required under existing laws and ordinances for all of which said city engineer shall receive such annual or other compensation as the corporate authorities shall allow.

SEC. 27. *Be it further enacted*, That the assessor and collector of taxes of said city shall be freeholders within the corporate limits of said city.

SEC. 28. *Be it further enacted*, That inspectors may be appointed , their duties prescribed, their fees fixed , and inspection regulations adopted by the city authorities of Mobile for inspection of slaves, tobacco, pitch, tar, turpentine , rosin, fish, flour, salt and oil within the limits of the city.

SEC. 29. *Be it further enacted*, That the boards of aldermen and common council, respectively, shall have power to hold and to adjourn their meetings from time to time, unless sooner called together by a written notice from the mayor or the presidents of their respective boards, designating the time and place of holding such meetings. They shall each keep a journal of their proceedings, and shall enter the yeas and nays , on any question, resolve, or ordinance, at the request of any member,

City engineer.

Term of office.

Vacancy how filled.

How elected

Place of office and duties.

Compensation.

Assessor and collector must

Inspectors of merchandize.

Meetings of boards.

Journal of proceedings.

and their deliberations shall be public.

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By-laws and ordinances.

Quarantine.

Various powers of mayor aldermen and common council.

SEC. 30. *Be it further enacted*, That the said mayor aldermen and common council shall have full power and authority to pass all by-laws and ordinances to regulate the stationary anchorage and moorings of vessels within their jurisdiction, to prevent and remove nuisances, and to prevent the introduction of contagious or infectious diseases within the said city, by regulating the approach of vessels having sick on board, and the landing the sick, or of articles calculated to produce disease, and by providing one or more places for the reception of the sick, or by any other lawful means whatsoever; to establish night watches and patrols, and to erect lamps; to provide for licensing and regulating retailers of liquors within the limits of said corporation, and to fix the sum to be paid for the same, the annulling the same on good and sufficient complaint being made against any person holding such license; for the regulating hackney coaches, carriages, wagons, carts, and drays and for licensing the same, and for the regulating of pawn-brokers, within the said city; to restrain or prohibit gambling, and to provide for licensing and regulating theatrical and other public amusements within the city; to establish and regulate markets and to rent out the stalls in the same, saving and reserving, however, at least two stalls in each and every market for the use of country people who may attend the same with marketable supplies, and to prohibit the selling of meats, poultry, fish or game, except at the public market or markets; to erect and repair bridges, to keep in repair all necessary streets, avenues, drains and sewers, and to pass regulations necessary for the preservation of the same; to provide for the licensing of chimney-sweepers, and regulating the sweeping of chimneys and fixing the rates thereof; to establish and regulate fire wards and fire companies; to sink wells and erect and repair pumps in the streets; to impose and appropriate fines, penalties and forfeitures for the breach of their ordinances or by-laws; to enact by-laws for the prevention and extinguishment of fires, and if necessary to remove, or pull down buildings or fences for the prevention of the spreading of the same; to erect or establish hospitals or pest-houses, work-houses, houses of correction, penitentiary or other buildings for the use of the city, or to join with the county of Mobile in the erection of the same, and to have a joint control over the same

with the public authorities of the county, and to levy

and collect taxes , as prescribed by this act, for defraying the expenses thereof, and all other necessary purposes; to regulate partition and other fences, and to determine by whom the same shall be made and kept in repair; to restrain and prohibit the nightly and other meetings or disorderly assemblies of all persons, and to punish for such offenses by affixing penalties not exceeding fifty dollars for any one offense; and in case of the inability of any such person to pay and satisfy said fine or penalty and the costs thereof, to sentence such person to labor for said city for such reasonable time, not exceeding six calendar months for any one offense, as may deemed equivalent to such penalty and costs, which said labor shall be such as shall be designated by the said mayor, aldermen and common council; Provided, That the person so fined shall have the right to give a stay-bond, with approved security, to pay said fine and costs within thirty days, and if they fail to pay the same within that time, then execution may issue against the obligors on said bond; to cause all vagrants, idle , disorderly , or dangerous and suspicious persons, all persons of evil life or ill-fame , and all such as have no visible means of support or as likely to become chargeable to the city as paupers, or are found begging or drunk in or about the streets, or loitering in or about tippling-houses or who can show no reasonable cause of employment or business in the city, all who have no fixed place of residence, or cannot give a good account of themselves, all who are grossly indecent in language or behavior publicly in the streets, and all public prostitutes, or such as lead a notoriously lewd or lascivious course of life, to give security for their good behavior for a reasonable time, and to indemnify the city against any charge for their support and in case of their inability or refusal to give such security, to cause them to be confined to labor for a limited time, not exceeding six calendar months, unless such security shall sooner be given, which said labor shall be designated by the said mayor, aldermen and common council for the general benefit of the said city, and that the labor so designated may be carried into effect the said mayor, aldermen and common council shall have power to appoint a person or persons to take those so confined and sentenced to labor from their place of confinement to the place appointed for their working, and watch them while at labor, and return

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Proviso.

Additional powers.

them before sundown to the place of confinement and if



<p>General powers.</p>	<p>they shall be found afterwards offending, such security may again be required, and for want thereof, the like proceeding may again be had from time to time, as often as may be necessary; to take care of, remove, preserve designate and regulate all burying grounds within the city; to regulate weights and measures, appoint inspectors of lumber, fire-wood, flour, beef, pork, fish, and all other salt provisions whatsoever; and in order to prevent fraud and imposition by gas companies , power is hereby given to create the office of inspector of gas metres, and to define and regulate his powers and duties by ordinance; and to pass all such resolutions, by-laws and ordinances as they, or a majority of them may deem requisite and necessary for the good government of the said city, not contrary to the laws of the State of Alabama.</p>
<p>Ferriage.</p>	<p>SEC. 31. <i>Be it further enacted</i>, That the said mayor aldermen and common council shall have full power and authority to establish ferries across the river Mobile within the limits of said city, and regulate the rates of ferriage; to establish and keep open all side-walks, drains and sewers, which they may deem necessary for the convenience or health of the citizens.</p>
<p>Conservators of the peace.</p>	<p>SEC. 32. <i>Be it further enacted</i>, That the mayor and each of the aldermen and each member of the board of common council , shall be conservators of the peace in and for the city of Mobile, and shall have power to examine and commit or discharge on bail, all persons charged with criminal offenses in the same manner as justices of the peace, but shall exercise no other judicial functions whatever, and shall not receive any fees or perquisites; and the mayor shall have authority concurrent with a justice of the peace to arrest and commit to prison deserting seamen and mariners from vessels in the merchants' service under the provisions of an act passed at the fifth annual session of the General Assembly, entitled "An act in relation to seamen belonging to vessels in the merchants' service."</p>
<p>Seamen.</p>	<p>SEC. 33. <i>Be it further enacted</i>, That it shall be the duty of the mayor to see that the laws of the corporation be duly executed; and he shall hold a court , once in each</p>
<p>Duty of mayor.</p>	<p>day of the week, (Sundays excepted) for the trial of all offenders against its laws and ordinances; he shall report the negligence , incapacity or misconduct of any officer to the boards of aldermen and common council; he shall</p>

lay before said boards, from time to time, in writing, such

alterations in the laws of the corporation, or measures for its good government or interest, as he may deem necessary and proper; and he shall receive such salary as shall be fixed by the two boards as soon as practicable after the municipal election held for said city in December of each and every year.

Salary.

SEC. 34. *Be it further enacted*, That in case of invasion or insurrection , or when the peace and security of the city may require it in the opinion of the mayor, he shall have power and is hereby required to call out the volunteer companies of the city in its defense.

Invasion or insurrection.

SEC. 35. *Be it further enacted*, That the mayor shall from time to time appoint such a number of policemen to guard and protect the city as may be designated by the boards of aldermen and common council , and the policemen so appointed shall be subject to his control in the discharge of their duties, and may at any time be removed by him for any misconduct or neglect of duty, and may also be removed from office by a joint vote of two-thirds of the two boards of aldermen and common council , assembled in joint convention.

Policemen

SEC. 36. *Be it further enacted*, That all ordinances and resolutions may originate in either board, but shall be passed by a majority of a quorum of each; a quorum for the transaction of business shall consist of not less than a majority of each board; every ordinance which shall have been passed by both boards shall be presented to the mayor for his approval and signature, and if he approves and signs the same, it shall become a law , and if he should not approve it, he shall return it with his objections to the board from whence it emanated, and at its next regular meeting, in case of his non-approval or failure to return as aforesaid, a vote of two-thirds of each board shall make it a law.

Ordinances and resolutions how

Veto.

SEC. 37. *Be it further enacted*, That the said mayor, aldermen and common council shall have power to lay taxes on the real and personal estate, auction sales and sales of merchandize, capital employed in business and income within said city, and a head tax upon all the male inhabitants over the age of twenty-one and under sixty; that the said tax upon the personal and real estate be laid in pursuance of an assessment and valuation of the said personal and real estate to be made by some discreet person thereto appointed as assessor by the said corporation,

Taxing power and on what laid.

Manner of assessment.

which tax shall be laid in the manner following: The said

assessment or valuation, when completed, containing all the property as well as the names of the owners thereof, shall be lodged with the clerk of the corporation, and the mayor, aldermen and common council shall assess so many cents on the dollar, making no distinction as to any persons, and which assessment or valuation, together with the names of the persons liable to taxation, with the tax laid thereon, shall be open for inspection to all and every person interested therein, and the said mayor, aldermen and common council shall give ten days' public notice in some newspaper printed within the limits of the city of Mobile, that the said assessment or valuation, together with the tax laid thereon, is ready for inspection; and if any person shall be dissatisfied with said assessment, or valuation, or tax laid thereon, he shall give notice to the mayor, aldermen and common council to alter said assessment or valuation, together with the tax assessed thereon, as to them shall seem meet, (witnesses shall be head on oath to affix a proper valuation); but their decisions shall be final as to all questions or objections that may be brought before them in reference to the said assessment or valuation, and the tax assessed thereon as aforesaid, and after twenty days have elapsed from giving the notice that the said valuation or assessment, together with the tax assessed thereon as aforesaid, are ready for public inspection, the said mayor shall issue his warrant annexed to the tax list to the collector of the corporation containing a description of the real estate taxed, together with its valuation and the taxes assessed thereon, and also the amount of the personal property valued or assessed to each person, together with the tax assessed thereon, and the name of each person liable to a head tax, and the amount of such head tax laid, and provided that each person liable to pay the tax upon sales at auction and sales of merchandize shall once in every three months, to-wit: on the first day of January, first day of April, first day of July and first day of October, give in, under oath, the gross amount of sales of each three months, from the first day of October 1865, and each three months thereafter to the city tax-collector, whose duty it shall be to collect the tax so laid by the mayor, aldermen and common council and upon the failure of any person to report such sales for the preceding quarter then the mayor, aldermen and common council may provide and enforce such pen-

Tax on sales.

alties as they may deem necessary for the enforcement

and collection of such taxes; and provided further, that no tax shall be laid upon sales under judicial proceedings, guardians' , executors' and administrators' sales and sales of property under the provisions of deeds for the security or payment of debt, but it is expressly understood that the duties of the tax-collector for the collection of sales of merchandise shall in no wise relate to the sales of cotton.

SEC. 38. *Be it further enacted*, That the taxes on real and personal property, and all other taxes and dues assessed by the said mayor, aldermen and common council shall have the force and effect of a judgment at law against the individual assessed with the same. It shall be the duty of the tax collector, after giving thirty days' notice in some public newspaper printed in the city of Mobile, that the city taxes (or the particular tax or due, as the case may be,) are required to be paid to him on or before a certain day specified; if the same shall not be paid, to levy on the personal estate of the individual or corporation assessed, and to sell the same, or so much thereof as shall be sufficient to pay the tax assessed and one dollar to the tax collector for making the levy and sale, and the sale shall be advertised for the space of ten days at the mayor's office.

SEC. 39. *Be it further enacted*, That the tax collector may sell real or personal property for taxes without the necessity of exhausting the personal property, before selling real estate as required by law, either for city or special taxes of any kind.

SEC. 40. *Be it further enacted*, That no prosecution suit, or claim whatever pending or to be brought under existing laws shall in any manner be affected, impaired or altered by the passage of this act.

SEC. 41. *Be it further enacted*, That if any real estate shall be assessed to unknown owners or to persons who re known, and the taxes or dues assessed on them shall not be paid and cannot be collected by a levy and sale of personal estate by the means provided herein within sixty days from the time when the said taxes or dues are required to be paid, then the tax collector shall give notice in some newspaper printed in the city of Mobile, or by a printed sheet circulated therewith, and also kept for public inspection at the mayor's office, as shall be deemed most expedient and least expensive to the city, of the lots

Sales of cotton.

Taxes to have force of a judgment.

Duty of collector vs. defaulters.

May sell real or personal property.

Preceding laws not impaired.

Unpaid taxes on real estate how collected

and real estate on which the taxes are unpaid, (describing



the same by such numbers and abbreviations as will indicate the lot to be sold,) and that he will at a certain time and place named in the advertisement , proceed to sell such of the lots and lands upon which the taxes and dues shall not be paid, or so much thereof as shall be sufficient to pay the same, and on the day appointed, or on such day as he may adjourn the sale the tax collector shall proceed to sell any lot on which the taxes and dues shall not be paid, or so much thereof as will satisfy the tax and one dollar as a fee for the advertisement and sale and a certificate thereof.

SEC. 42. *Be it further enacted*, That the tax collector Certificate to shall give to the purchaser at such sale a certificate to purchaser. the following effect: "I, \_\_\_\_\_ , tax-collector of the city of Mobile, do hereby certify that the city taxes for the year 18— , (or the particular tax or assessment , as the case may be,) being due and unpaid on a lot of land in the said city bounded and described as follows, (here shall be inserted a description of the lot by metes and bounds,) I have this day sold the same (or such undivided fractional part as he may sell) to \_\_\_\_\_ , who has paid the taxes thereon, amounting to \_\_\_\_\_ dollars, including my fee of one dollar for the said sale, advertising and this certificate, and by virtue of the authority to me given by law, I authorize the said \_\_\_\_\_ , and his assigns to hold the said premises until the same shall be redeemed according to law. Witness my hand and seal of the corporation, this \_\_\_\_\_ day of \_\_\_\_\_ , 18— ,” and the mayor shall cause the seal of the city to be affixed to the said certificate. The tax-collector is hereby empowered , and it shall be his duty to put the purchaser in possession of the premises sold to him within thirty days after the sealing of the certificate, which shall be evidence of a right to possess the premises therein specified , and to retain the possession until the same shall be redeemed in the manner herein-after provided.

Certificates recorded. SEC. 43. *Be it further enacted*, That it shall be the duty of the mayor to cause the clerk of the corporation , or such other person as may be charged with the duties, to record each of the said certificates in a well-bound book, to be kept for that purpose, before he shall permit the seal of the city to be affixed and no other fees or charges shall be received for advertising said certificate , seal and record, than is prescribed by this act.

SEC. 44. *Be it further enacted,* That any lots thus

sold may be redeemed within twelve months from the day of sale, by any person claiming title, who will deposit with the treasurer of the city of Mobile, for the use of the purchaser the amount of loan and fees so paid, and twenty-five per cent. on the same, and thereupon the title created by the certificate aforesaid shall wholly cease and determine, and the purchaser and all others claiming under him shall relinquish the possession, and shall after notice of the said redemption be deemed unlawful and forcible detainers of said lot and liable as such to any suit or action at the instance of any one entitled to the possession; and the said lot may in like manner be redeemed by any person claiming title at any time after twelve months and within five years from the time of sale, by paying into the office of the city treasurer, as before provided, the amount of the taxes, fees and interest thereon, at the rate of twenty-five per cent. per annum from the day of sale, and on such payment being made the title created by the certificate shall cease and determine on the first day of November next after the said payment, and the purchaser and all other claiming under him shall relinquish the possession, and after notice of the said redemption shall be deemed unlawful and forcible detainers, and as such liable to any suit or action at the instance of any one entitled to the possession.

SEC. 45. *Be it further enacted*, That it shall be the duty of the treasurer of the city of Mobile to give any person who shall redeem any lot sold for taxes, a certificate to the following effect: "I, \_\_\_\_\_, treasurer of the city of Mobile, do hereby certify that \_\_\_\_\_ claiming title to a certain lot in the city of Mobile, known and described as follows, (here shall be a marked description of the lot by metes and bounds) has this day paid into my office for the use of the purchaser, the sum of \_\_\_\_\_ dollars, being the amount for which said lot was sold, the fees thereon, and twenty-five per cent. on the same, (or interest on the same at the rate of twenty-five per cent. per annum, as the case may be,) the said lot is therefore redeemed. Witness my hand and seal at the city of Mobile, this \_\_\_\_\_ day of \_\_\_\_\_, 18—;" and it shall be the duty of the mayor or to cause the seal of the city to be affixed to the certificate which shall be recorded in the same book as the certificates issued by the tax-collector, and the treasurer shall be entitled to receive a fee of one dollar for the said

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Redemption of real estate sold for taxes and manner of.

Forcible entry and detainer.

Treasurer's certificate of redemption.

Fee.

certificate.

<p>How to perfect titles.</p>	<p>SEC. 46. <i>Be it further enacted</i>, That if the lot so sold shall not be redeemed within the period of five years from the day of sale, the purchaser, his heirs, or assigns, may perfect the title to the lot purchased by publishing the certificate issued by the tax-collector, for the term of three months, in some newspaper printed in the city of Mobile, with the following notice subjoined: "All persons claiming interest in the above described lot are required to exhibit their claims by commencing suit against me in the circuit court of Mobile county, within six months from the date of this advertisement, or their claims will be forever barred;" and if no suit is commenced within the said term of six months, the title under the certificate shall be complete and perfect, and if suit is commenced within six months after the publication of such notice, no damages shall be recovered, nor shall a writ of possession issue in the event of a recovery, unless the plaintive shall pay the taxes due on the same, the fees, and interest at the rate of twenty-five per cent. per annum on the same, and the cost of the advertisement, to be adjudged by the court, on the suggestion of the defendant; Provided, however, That no estate of any infant, <i>feme covert</i>, or insane person shall be barred if they commence their action within three years after the removal of their disability to sue.</p>
<p>Duty of plaintiff on recovery.</p>	<p>SEC. 47. <i>Be it further enacted</i>, That the certificates aforesaid shall be conclusive evidence of the regularity of all previous proceedings, and this act shall be construed as a remedial act.</p>
<p>Proviso.</p>	<p>SEC. 48. <i>Be it further enacted</i>, That the tax-collector shall be charged with and accountable for the whole amount of the assessed taxes for each year, and he shall only discharge himself from such accountability by showing an account of the entire insolvency of the persons assessed, and by showing that the amount of his account cannot be collected by the exercise of the means given by the foregoing sections.</p>
<p>Conclusive evidence.</p>	<p>SEC. 49. <i>Be it further enacted</i>, That such part or portion of the assessed taxes as cannot be collected by the means before stated, shall continue a lien on the property assessed until paid, and the tax-collector shall be authorized from time to time to offer and expose to sale under the foregoing provisions such lots or other property as shall not have the tax paid thereon, and the same certifi-</p>
<p>Liability of collectors</p>	
<p>Taxes lien on property.</p>	

cates shall be given in cases of any subsequent sale, and similar proceedings shall be had thereon.

SEC. 50. *Be it further enacted,* That if any purchaser of a lot under a sale by a tax collector shall fail or omit to pay any subsequent tax or assessment, he shall forfeit all right under this certificate, and shall be bound to relinquish the possession; and if the said lot shall be subsequently sold for taxes, the person so holding under the first sale shall, after notice, be deemed guilty of unlawful and forcible detainer and shall be liable to any suit or action at the instance of any person entitled to its possession.

Liability of defaulting purchaser.

SEC. 51. *Be it further enacted,* That the corporate authorities aforesaid shall have power to assess and collect a tax on all property sold upon the wharves of the city of Mobile or on shipboard or otherwise, before the same shall be stored; Provided, This section shall not be construed to allow any assessment on cotton, or other staple production imported into said city from the interior of the State of Alabama or Mississippi.

Power to collect on wharves and shipboard

Proviso.

SEC. 52. *Be it further enacted,* That the corporate authorities aforesaid, shall have authority to assess a tax on any public balls, shows, exhibitions, theatrical entertainments, billiard tables, nine-pin alleys, ten-pin alleys, bowling alleys, and any and every other public game or public place of amusement; and the amount of taxes provided for by this section shall be fixed and determine by the mayor and the presiding officers of the boards of aldermen and common council, as hereinbefore provided.

Additional powers to tax.

SEC. 53. *Be it further enacted,* That full power and authority is hereby given to the corporate authorities aforesaid to establish such rules and regulations for the collection of the dues, taxes and revenues hereby provided, and to use all lawful process and proceedings which they may deem requisite to enforce the same, and also to impose such fine or penalty for the violation of any provision of this act as they may deem requisite and collect the same as other fines are collected.

Rules and regulations

SEC. 54. *Be it further enacted,* That the corporate authorities shall have power to levy a tax or itinerant or transient merchants, steamboats, or other vessels, who remain in said corporation less than one year, which tax shall be laid and collected at any time the corporate authorities may direct.

Tax on transient dealers.

SEC. 55. *Be it further enacted*, That in no case shall

Faith of city when pledged.	the faith of the city be pledged for the payment of money unless it be a vote of two-thirds of both boards , and the sanction of the mayor of the city.
License tax.	SEC. 56. <i>Be it further enacted</i> , That the corporate authorities of the city of Mobile shall have the authority to open and collect from all persons or corporations trading or carrying on any business, trade or profession, by an agent or otherwise within the limits of said city, a license tax, which shall be assessed in three grades; the amount of said license tax for each grade shall be fixed by ordinance from time time to time as may be deemed necessary, and it shall be the duty of the city assessor to assess and collect under such ordinance from the person subject to said license tax according to their true and proper grades respectively, and according to his best judgment , with a just regard to the extent, amount and profits of the trade, business or profession of the person
Grades.	
Duty of assessor	
One grade to be paid in one year.	One grade to be assessed, and no person shall be required to pay more than one of said grades in any one year, nor shall more than one license tax under this act be assessed against the partners of any firm trading or carrying on any business of said firm , where the firm is assessed; and provided, that nothing in this act shall be construed to apply to or affect licenses granted or which may be granted to retailers of liquor, keepers of taverns, billiard tables, nine-pin alleys, ten-pin alleys, circus or other theatrical exhibitions for public amusement, auction sales or sales of merchandize, capital, or income; nor shall any tax assessed or paid on real or personal property, or taxes on any other property by any party operate as an exemption from such license tax as herein provided; and all of the provisions of the statutes heretofore passed conflicting with the provisions of this section are hereby repealed:
One license assessed. Proviso.	and provided further, that this act shall not affect any mechanic who employs no capital , but conducts his trade solely by his own skill and attention, without the aid of employees.
Repeal. Proviso.	SEC. 57. <i>Be it further enacted</i> , That in all cases in which assessor for city taxes for the city of Mobile shall be authorized by law to assess the value of real or personal estate in said city, the only rule of appraisalment shall be the cash value of the property so assessed and the assessor shall in all cases of assessment make oath or affirmation before the mayor of said city, or some
Rule of appraisalment.	



lawfully qualified justice of the peace that he, the said

assessor , has valued and set in the tax list the property so assessed by him, according to his best judgment , at its value in money at the time of the assessment, which oath or affirmation shall be written at the end of every such assessment list, and shall be subscribed by the assessor making such assessment.

SEC. 58. *Be it further enacted,* That it shall be lawful for the mayor , aldermen and common council of the city of Mobile to pave, shell or plank any street or streets, part or parts of a street within the limits of said city whenever they deem it expedient, at its own expense, or it may be done upon the written application of the owners of at least one-third in quantity of the real estate located on each side of the street or streets, part or parts of a street which it may be proposed to ave thus improved, which said paving , shelling or planking shall be done at the expense of the owners of the property located upon any street or part of a street so improved, in such a proportion as that each piece of said property shall pay of the expense of any such improvement a fractional share thereof equal to its front on any such street or parts of a street so improved, and after such improvement is complete , for the purpose of ascertaining the proportion of said expenses to be paid by the owners of such property, it is hereby made the duty of the city surveyor and the mayor of said city to certify in writing the proper amount due from each owner, or piece of property whose owner is unknown , to the tax-collector of said city, which amounts so certified shall respectively be levied on each piece of said property, and shall be collected by said corporation in like manner as the taxes on real estate are authorized to be collected under the provisions of this charter, and when so collected the said tax collector shall pay the same to the city treasurer.

SEC. 59. *Be it further enacted,* That the said corporation shall have full power and authority to purchase, and provide for payment of the same, all such real estate, and personal property as may from time to time be deemed necessary and proper for the use, convenience and improvement of said corporation, and full power and authority is also given to construct and erect water-works and gas-works for the purpose of furnishing water and light to the inhabitants of said city.

SEC. 60. *Be it further enacted,* That in order to carry

Duty of assessor.

Paving and planking of streets.

Owners' expense.  
Proportion of expense.

Duty of surveyor and mayor.

Duty of tax collector.

Powers of corporation as to real estate and personal property.

Water and gas works.

out the system of wharfage in the city of Mobile herein

<p>Wharves and charges on produce and merchandize, the manner of purchase.</p>	<p>provided for, and to establish dockage charges on vessels, the mayor, alderment and common council of the city of Mobile shall have power and authority to obtain by contract or purchase the property in or the control of the wharves and wharf property of the city of Mobile, so far as the same may be practicable, and shall have power, if necessary to issue city bonds, bearing interest, for purchase of the same.</p>
<p>Wharf committee and its powers.</p>	<p>SEC. 61. <i>Be it further enacted,</i> That in order to accomplish said purpose, if found practicable the said corporation of Mobile shall be authorized to appoint in such mode and manner as it may provide, a committee of its own members, who shall be charged, under the control and supervision of said corporation, with the carrying into effect of said wharf arrangement, with power to purchase, contract for, arrange and compromise in the name and behalf of the city, with all owners of wharves and wharf property, and to make all suitable arrangements to accomplish the object aforesaid, so far as the same may be found practicable and expedient, under such ordinances and regulations as said corporation may from time to time prescribe.</p>
<p>Wharf charges.</p>	<p>SEC. 62. <i>Be it further enacted,</i> That said corporation shall have power to raise a revenue from such wharves and docks as may be under the control of the said corporation, by establishing and collecting a rate of dockage and wharf charges to be paid by all persons receiving and shipping merchandize and other property, and by all ships, vessels, steamboats, steamships, and crafts of all description trading to, at and from the port of Mobile, the Bay of Mobile, and the rivers and streams emptying into the same, all of which shall be sanctioned by proper ordinances of said city.</p>
<p>Superintendent of wharves and his duty.</p>	<p>SEC. 63. <i>Be it further enacted,</i> That said corporation shall have power to appoint a proper person as superintendent of wharves, whose duty it shall be to collect and pay out all moneys under the control and direction of said committee, to keep said wharves and dock in repair and attend generally to the execution of the orders of said committee; said superintendent shall give bond payable to the corporate authorities of the city of Mobile, in such sum as the corporation may require, conditioned for the faithful discharge of the duties of his of-</p>
<p>His bond.</p>	

office and the said corporation shall also appoint all such

clerks and agents as may be needed, the compensation of all of which, as well as that of the superintendent, shall be fixed by the corporate authorities.

Compensation

SEC. 64. *Be it further enacted*, That in order to enable the corporate authorities of the city of Mobile to carry into full effect the arrangement contemplated in this act, said corporate authorities shall have power to levy a special tax on the real and personal estate and all other property liable to taxation in the city, which tax shall be collected by the city tax-collector, under such power, rules and regulations as are provided by law for the collection of other city taxes, and paid over by him as fast as collected into the treasury of said corporation; and it shall be the duty of the said corporation to appropriate the money thus received to the building of wharves over such slips as are now or may hereafter become the property of the city, or in the construction of a levee or levees, under such regulations and upon such plans as may be prescribed by the city authorities , and in no case or ever shall the money thus collected be appropriated to any other use or purpose whatever.

Power to levy special tax.

How appropriated.

SEC. 65. *Be it further enacted*, That the financial year shall commence on the first day of January.

Financial year

SEC. 66. *Be it further enacted*, That the mayor and aldermen and common council of the city of Mobile shall at the annual convention for the election of officers elect four master mechanics of the city of Mobile, to be measurers and estimators of work, and the said four shall be called "The Committee of Master Mechanics of the City of Mobile."

Committee of master mechanics.

SEC. 67. *Be it further enacted*, That whenever any difference arises between persons interested in any work done to or on any building within the city of Mobile, concerning said work, whether the same be as to quantity or quality of the work, the said difference shall be, at the suggestion of either of the parties interested, referred to the said committee of master mechanics, in manner and form hereinafter provided.

Reference committee.

SEC. 68. *Be it further enacted*, That any person or persons wishing to avail him or themselves of the privileges of this act, shall give notice in writing to the said committee, that a difference has arisen between himself and another or others, touching the quantity of work done, or the quality thereof, (as the case may be,) on any

Duty of in case of reference.

building or buildings (describing the same,) whereupon  
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<p>Certificate evidence. Proviso.</p>	<p>it shall be the duty of the said committee, or a majority thereof, to give notice in writing to all parties interested, if the same be practicable, and if not practicable, public notice in a newspaper printed in the city of Mobile, that they intend at a certain time and place to be mentioned in said notice the time being not less than two nor more than ten days from the service or appearance of said notice, to proceed to measure the quantity, or estimate the quality (as the case may be,) of such work; and at the same time and place so appointed the said committee, or a majority thereof, shall proceed to measure and estimate as aforesaid, and shall thereupon give to the party at whose instance the same was done, and to such others as may require it, a certificate setting forth their doings in the premises, and the said certificate under the proper hands and seals of the said committee, or a majority thereof, shall be held and deemed in any court in this State evidence as to the quantity or quality of the work in question, and also as to any notice required by this act; Provided, That nothing contained in this act shall prevent any person who may feel himself aggrieved by any such survey from his right of appeal.</p>
<p>Per centage when deducted.</p>	<p>SEC. 69. <i>Be it further enacted</i>, That with regard to the quality of any work done as aforesaid, the said committee shall, when it shall seem to them or a majority of them, that the same has not been done in a workmanlike manner, barely certify the per centage that shall be deducted in consequence thereof.</p>
<p>Vacancies how filled</p>	<p>SEC. 70. <i>Be it further enacted</i>, That any vacancy or vacancies which may occur by death, resignation or absence of sixty days, or removal from the city, or refusal to act, shall be filled by the mayor, aldermen and common council as other vacancies are filled.</p>
<p>Compensation dermen and common council</p>	<p>SEC. 71. <i>Be it further enacted</i>, That the said committee shall be entitled to such compensation as the mayor, aldermen and common council shall from time to time establish by ordinance, which compensation the parties interested in said work shall pay, share and share alike.</p>
<p>Style of suits.</p>	<p>SEC. 72. <i>Be it further enacted</i>, That all suits brought by said committee for the recovery of fees, shall be in the name of the committee of mechanics of Mobile.</p>
<p>Oath of office. of the duties of his office, take and subscribe an oath,</p>	<p>SEC. 73. <i>Be it further enacted</i>, That every member of said committee shall before he enters upon the discharge</p>



faithfully and impartially to discharge the duties of his

office so long as he may continue therein, which oath shall be filed in the office of the clerk of the city of Mobile.

SEC. 74. *Be it further enacted*, That the mayor, aldermen and common council of said city shall have power and authority concurrent with the probate court and overseers of the poor of this State, to provide for the indigent, lame and blind, and others not able to maintain themselves within said city, and also to bind out as apprentices such orphans and poor children within the limits of said city, as in the opinion of the said mayor, aldermen and common council may require it, in the same manner and under the same regulations as the probate court and overseers of the poor now do, and require from the masters of such persons, that they engage in a covenant entered into with the said mayor, aldermen and common council, that they will provide for such apprentices such food, clothing, instruction and education as the said mayor, aldermen and common council may require, the same to be specified in such covenant.

Provision for the indigent.

Master and apprentice.

SEC. 75. *Be it further enacted*, That there shall be appointed by the mayor, the president of the board of aldermen and the president of the board of common council of the city of Mobile, on the commencement of each municipal year, five persons who shall be denominated "port wardens" one of whom shall be designated as and shall serve as "harbor master;" all of whom shall devote their whole time to the discharge of the duties required of them by this act, and for any refusal or neglect thereof, or for improper conduct in the discharge of their duties, the said mayor and the presidents of the boards of aldermen and common council are hereby authorized to remove them, one or all and to appoint others in their stead.

Post warden Harbor master.

Cause for removal.

SEC. 76. *Be it further enacted*, That the said harbor master and wardens shall have an office in the city of Mobile, in which shall be kept, for the inspection of all persons therein interested, in a book or books to be provided for the purpose, a full and complete record of all their official acts.

Office and books.

SEC. 77. *Be it further enacted*, That it shall be the duty of the harbor master to regulate and station all ships and vessels arriving within the bay and corporate limits of the city of Mobile, and from time to time to remove

Duties of harbor master in relation to ves-

such ships or vessels as are not employed in receiving or sels.

	<p>discharging their cargoes, to make room for such others as require to be moored immediately, accommodated for the purpose of receiving or discharging cargo; and as to the fact of their being fairly and <i>bona fide</i> employed in receiving or discharging cargo, the said harbor master is hereby constituted sole judge, and the said harbor master shall have authority to require masters and others having charge of ships and vessels made fast to any of the wharves, to so adjust their spars that they will not interfere with other vessels or project over any of the streets in said city, and shall also have authority to determine how far and in what instances it is the duty of masters and others having charge of ships and vessels, to accommodate each other in their respective situations; and if any master or other person having charge of any ship or vessel shall resist or oppose the harbor master in the execution of the duties of his office, such master or other person shall be fined for every such offense a sum not exceeding fifty dollars, to be imposed by the mayor and collected as other fines, and all of such fines shall be paid into the treasury of the city of Mobile; and the said harbor master, in case of sickness or temporary absence, shall have power to appoint one of the wardens his deputy, who shall be invested with all the powers conferred by this act on the harbor master.</p>
Penalties.	<p>SEC. 78. <i>Be it further enacted</i>, That it shall be the duty of the said harbor master and wardens, or any one of them, on application being made to them for the purpose to inspect and present at the opening of the hatches of all vessels arriving within the Bay and corporate limits of the city of Mobile, and to survey the storage of their cargoes; and in making record as aforesaid of such inspection of the hatches, they shall state whether they were properly covered and secured, and of cargo they shall designate every package of merchandize surveyed by marks and numbers, and if such package or packages have appearances of being damaged, they shall state how such package appeared to have received damage.</p>
Surveys.	<p>SEC. 79. <i>Be it further enacted</i>, That it shall be the duty of the said harbor master and wardens, or any two of them, when applied to for that purpose, to inspect all damaged cotton or other merchandize arriving in the Bay and city of Mobile, and to attend and direct the sale thereof at public auction if in their opinion the damage</p>
Damaged packages.	
Survey and sale of damaged cotton.	

thereto is sufficient to justify its sale and the owner or

consignee thereof orders it sold under their direction, and to give a certificate of such survey and of the correctness of the sales under their hands and official seal; Provided, That they shall direct and certify no sale of damaged cotton or other merchandize at public auction, unless forty-eight hours' notice of the time and place of such sale or sales has been given in one of the newspapers of the city of Mobile.

Proviso.

SEC. 80. *Be it further enacted*, That the said harbor master and wardens, or any two of them, when called upon by the master, owner or consignee to survey, any ship or vessel, shall have power to employ a carpenter or carpenters to open the ceiling, strip the sheathing, bore the timbers and perform such other work as shall be necessary to enable them to make a correct survey and to employ laborers to move, open , cooper, or otherwise arrange cotton, or other merchandise they may survey, the expense of all which shall be paid by the owner, master, or consignee of such ships or vessels, or cotton or other merchandise.

Powers to make survey.

SEC. 81. *Be it further enacted*, That for the survey of be performed by the said harbor master and port wardens, by virtue of this act, there shall be paid by the owner, master, or consignee of any vessel or cargo, the following fees, to -wit: for every ship or vessel that may come within the bay and corporate limits of the city of Mobile, and load, discharge, or make fast to any of the wharves in said city , at and after the rate of three cents per ton, to be computed upon the tonnage expressed in the register or enrollment of such ship or vessel; for every survey of the hatches, or of the stowage of the cargo of any ship or vessel, three dollars; for every survey of damaged cotton or other merchandise, ten dollars; for every survey for any ship or vessel, ten dollars; and for attending, directing and certifying the sales of damaged cotton or other merchandise, as required by this act, they shall be entitled to the following compensation, to -wit: on sums of two hundred dollars and under, five per cent.; over two hundred and not exceeding five hundred, two per cent.; over five hundred and not exceeding one thousand dollars, one per cent.; and over one thousand dollars, one quarter of one per cent; Provided, that the foregoing charge of three cents per ton shall not be paid on flat boats, and that it shall not be required more than once in each year from

Expenses how paid.

Fees.

Proviso.

packets and regular traders between New Orleans and

	<p>Mobile, and Pensacola and Mobile, and American steamers engaged as regular packets to Mobile and from steamboats and barges employed on the rivers that flow into Mobile bay; and provided, further, that the number of such port wardens , their fees and rates and compensation in the port and bay of Mobile, may be changed by said corporate authorities from time to time as they may deem necessary and expedient.</p>
Disposition of fund.	<p>SEC. 82. <i>Be it further enacted</i>, That all the revenues arising to the harbor master and wardens for the services required of them by this act, shall constitute one fund, out of which shall be paid first all their office expenses then there shall be paid to the harbor master the sum of five hundred dollars, the residue of said fund shall be divided equally between the said harbor master and wardens share and share alike.</p>
Disqualification of owner.	<p>SEC. 83. <i>Be it further enacted</i>, That no person acting as agent or inspector of any insurance company or any owner or consignee of any ship or vessel, or any person employed by the owner, master, or consignee of any ship or vessel , for any purpose in connection with ships or vessels, except as provided by this act, or any person who furnishes supplies or materials of any description to any ship or vessel, or any person having any direct or indirect interest in the business of auctioneer , shall be appointed a harbor master or port warden.</p>
Discharge of ballast.	<p>SEC. 84. <i>Be it further enacted</i>, That the harbor master and wardens of the port of Mobile be and they are hereby authorized to point out and direct where ballast shall be discharged in or about the bay of Mobile, and that the master or officer of any vessel, or other person who may violate such direction after the same shall have been given or published, and discharge the same at any other than the place or places pointed out as aforesaid, shall forfeit and pay the sum of five hundred dollars for every such offense, with costs, to be recovered before any court having competent jurisdiction, at the suit of the harbor master, one half of which shall be paid to the person or persons giving information of the same, and the other half to the use of the city of Mobile.</p>
Penalty.	<p>SEC. 85. <i>Be it further enacted</i>, That the boards of mayor, aldermen and common council shall have power to require the fencing or enclosing any vacant lot within the limits of the city, to require lots to be cleansed and</p>
Vacant lots, nuisance, and sidewalks.	



cleaned of all such nuisances as to the said boards may

seem necessary to be removed, to require sidewalks to be made fronting any lots within the corporate limits, and in every instance where no owner or agent can be found to make such cleansing and improvements, or in case of the refusal or neglect of the owners or agents to comply with the orders of the authority aforesaid, then the said boards may cause the same to be done, and let out such lot or lots for such term of time as will cover the expenses incurred in so cleansing or improving any such lots, having first given ten days' public notice thereof in one of the newspapers published in the city of Mobile.

SEC. 86. *Be it further enacted*, That the mayor, aldermen and common council shall have full power and authority to prohibit and prevent the erection and construction of all kind of wooden or other buildings, except those erected or constructed of brick of stone and covered with slate or metal and within such limits as they may deem best for the safety of the city.

Wooden buildings.

SEC. 87. *Be it further enacted*, That if any person or persons shall either directly or indirectly build or cause to be built, or shall knowingly suffer or permit any wooden or other buildings, except as aforesaid, to be erected built or put upon his, or her, or their lot, or lots, within such limits and boundaries as may be designated by the said board of mayor, aldermen and common council, such person or persons so offending against the provisions of this act, shall for each and every ay he, she or they, shall continue so to offend, forfeit and pay the sum of fifteen dollars, to be recovered before the mayor of any one of the aldermen or common council of said city.

The same.

Penalty

SEC. 88. *Be it further enacted*, That the mayor, aldermen and common council for the time being, and their successors in office, shall be fully authorized and empowered to remove such wooden or other buildings as have been erected since the first day of January, in the year of our Lord , eighteen hundred and twenty-nine, except those constructed of brick or stone, as have been or may be erected, built or put up within the limits to be deferred as aforesaid by said corporation , which removal shall be at the expense of the city; Provided, always, That the said mayor, aldermen and common council be of opinion that the protection of said city, and its safety and security from fire will be increased by the removal of said wooden or other buildings; And, provided, also, That

Removal of wooden buildings

Proviso.

they first pay to the owner or owners thereof, such equi-

<p>Damages.</p>	<p>table compensation in damages as a jury of freeholders in said city , to be summoned and sworn as in other cases by the mayor , for the time being, shall be of opinion that he, she, or they, may sustain thereby.</p>
<p>Penalty of defaulting jurors.</p>	<p>SEC. 89. <i>Be it further enacted</i>, That for any default of attendance of any juror who may be drawn and summoned under the provisions of this act, such juror shall and may be fined by the mayor, or any one of the aldermen or common council , in a sum not exceeding fifty dollars; Provided, That a reasonable excuse, made on oath by such defaulting juror, shall exempt him from the payment thereof.</p>
<p>Physicians opinions.</p>	<p>SEC. 90. <i>Be it further enacted</i>, That all physicians who may be appointed by the said mayor, aldermen and common council, to carry into effect their ordinances , in reference to the preservation of health, in the city of Mobile, shall be obliged to give their opinions in writing, when thereto requested by the said mayor, aldermen and common council, touching any contagious or malignant fevers prevailing within the limits of said city of Mobile, or any disease, matter of thing, which affects the health or lives of the inhabitants of said city.</p>
<p>Proceedings in offenses and breaches.</p>	<p>SEC. 91. <i>Be it further enacted</i>, That the said mayor or either of the said aldermen or common councilmen , shall issue his process as a justice of the peace for the city of Mobile, for offenses committed under this act, and for a breach of all, or any of the by-laws or ordinances of the said corporation to any police officer of said corporation who shall bring the offenders in pursuance of the said process, before the said mayor , or the alderman or the common councilman aforesaid, and the said mayor, or alderman or the common councilman or any one of them, shall proceed to try the offenders , and examine all witnesses that may appear or be subpoenaed before him, both on the part of the corporation and on the part of the delinquent, and give judgment as to him shall appear just and legal , and if the said person or persons who may be brought before the said mayor, alderman or common councilman shall be dissatisfied with the decision of the said mayor, alderman or common councilman, he, she, or they may forthwith appeal to the circuit or city court of Mobile county, and the said person or persons shall give a bond with good and sufficient security to pay and satisfy the judgment with costs, in case the judgment of the said mayor, alder-</p>
<p>Repeals.</p>	

man or common councilman, shall be affirmed by the said

circuit or city court, and the proceedings thereon, shall be as prescribed by law in other cases of appeal , and in case of the death of the person appealing, the action may be revived in the name of his ,or her, personal representative.

SEC. 92. *Be it further enacted,* That from and after the passage of this act, all fines and forfeitures adjudged or assessed against any person or persons, by the mayor or any one of the aldermen or councilmen of said city, under, or by virtue of any statute of this State, or of any proper ordinance of said city, may be enforced and collected against any such person or persons, by execution to be issued by the clerk of said corporation and to be directed to, and executed by any police officer of said city, which said execution, shall in all respects except in the direction thereof as aforesaid, conform to, and be governed by and be executed by the said officer to whom the same is to be directed, in the same manner as is required by the laws regulating executions issued by justices of the peace of this State.

Manner of collecting fines and forfeitures.

SEC. 93. *Be it further enacted,* That the said corporation be, and they are hereby authorized to cause a complete and accurate survey to be made of the said city, agreeably to the courses and limits prescribed in this act and to establish and fix from time to time, permanent boundaries at such places as they may deem necessary and proper for perpetuating the boundaries of said city, and to cause the squares into which the city now is, or hereafter may be divided, to be numbered, beginning at such point as the said corporation may designate, and progressing with the same in the manner they may direct, and also, to cause the front and depth of each lot so numbered, to be measured and specified on the survey of the said city, and after the said survey shall have been so made and approved by the corporation , the same shall be admitted to record in the office of the clerk of the probate court of Mobile county, or in such office as at the time of completing said survey, shall or may be law be appointed for recording deeds.

Survey of city.

Squares and lots to be numbered

Record.

SEC. 94. *Be it further enacted,* That it shall be lawful for the mayor, aldermen and common council of the city of Mobile, to make any new streets , or to make any alteration, improvement or repairs of any already made at the expense of said city, or it may be done upon the

New streets and improvements.

written application of the owners of at least one-fourth

in quantity of the property , through, or over which any new street, alteration, improvement or repairs are desired to be made, and it shall be the duty of the mayor

Notice. to give notice of such application, or intended change or alteration of any street, for thirty days in the official journal of the city, in order that persons interested therein, may signify their objections to the same, and if after the expiration of such notice, the board of aldermen and common council ordain the making alterations, improvements or repairs of such street, it shall be at the expense of those benefitted by the same, and it shall be the duty of the mayor to impanel a jury of twelve freeholders of the city of Mobile, who shall assess the property benefitted by and adjacent to the proposed new street, alteration, improvement, or amendment, the fractional part of the whole sum paid or expended or directed by ordinance to be paid or expended, which assessment shall be a lien on the property, and collected by the said corporation in like manner as the taxes on real estate are collected under the provisions of this act, and if the new street, alteration, improvement or repairs, shall be requested by the owners of one-fourth part of the property in manner aforesaid, and the same shall be made by reason of any ordinance of the corporation , the several parties benefitted as aforesaid, shall be compelled to contribute to the expense of making the same , although the forms prescribed by this section , may not have been strictly complied with and the request and ordinance, shall alone be deemed essential to create the claim for contribution; Provided

Manner of proceeding.

Contribution

Proviso. That the street called and known by the name of Government street, shall be, and is hereby declared to be one hundred feet wide , and it shall be the duty of the said corporation to designate and distinctly mark out the northern limits of said street , according as the same were established by the Spanish government as nearly as can be ascertained by the Spanish records, by the records of the land office, or by any other evidence, which they may deem necessary or satisfactory, and the limits when so ascertained , marked out and designated, shall be the permanent northern boundary of said street.

SEC. 95. *Be it further enacted*, That the said corporation shall have power and they are hereby authorized to alter and change the names of streets of the said city, whenever they may deem it expedient and they shall

May changetion shall have power and they are hereby authorized to name of streets.



mark the names, when so altered and changed, together

with the original name thereof in the map of said city.

SEC. 96. *Be it further enacted,* That hereafter the number of justice of the peace, in and for the city of Mobile, shall not depend on the militia beats, but there shall be elected for each ward in the city, one justice of the peace and one constable, by the qualified electors of said ward, who shall hold their office for three years, and be governed by the same rules in every other respect, that now govern justices of the peace in their powers, duties and fees; and their terms of office, shall commence from the expiration of the terms of office of the present incumbents.

Justices and constables.

SEC. 97. *Be it further enacted,* That all justices of the peace for said city shall keep a docket on which shall be entered, a note of each case brought before them, and of their orders and doings thereabouts; and that at the expiration of their terms of office, whether by death, or otherwise, the said books, together with the papers of their office shall be turned over to his successor in office, and imperfect orders, proceedings and judgments may be perfected by the successor of the justice whose proceedings are thus defective.

Duties of justices.

SEC. 98. *Be it further enacted,* That from and after the passage of this act, justices elected in the county of Mobile, beyond the limits of said city, shall not be permitted to keep their offices within the limits of said city.

County justices offices.

SEC. 99. *Be it further enacted,* That the mayor, aldermen and common council of the city of Mobile, be charged with appointing inspectors and officers to hold the elections herein before provided for, in the same manner that aldermen are elected, and in case of death, or resignation of any of the justices herein provided, his place shall be filled by election on the same manner, as if his term of office had expired, and reasonable expenses of such elections shall be paid by the county of Mobile.

Election of justices.

SEC. 100. *Be it further enacted,* That whenever it is proposed to raise money by the issuing of bonds, or by increased taxation, for the purchase of real or personal property, or for any other extraordinary purpose, beyond the ordinary and necessary demands for municipal purposes, an ordinance authorizing the same shall be prepared and offered in one or other of the boards of aldermen and common council, which when read, shall be laid on the table, and further action thereon postponed,

Raising money for extraordinary purposes.

until the said ordinance shall have been published for at

Repeals.

least six days. Then for the passage of said ordinance, the yeas and nays shall be called, and a vote of two-thirds of each of the boards of aldermen and common council shall be requisite, and the approved of the mayor.  
 SEC. 101. *Be it further enacted*, That all acts and parts of acts conflicting with the provisions of this act, be, and the same are hereby repealed.  
 Approved, February 2, 1866.

No. 166.]

AN ACT

To incorporate the New Orleans and Selma Railroad Company.

Commission-M. Robertson, John T. Morgan, M. M. Creagh, Eugene  
 ers to cause  
 book to be open-  
 ed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Gen. W. J. Hardie, J. W. Eapsley, R.

Assemble in  
 Selma.

McCaa, Dr. James R. Jones, and C. C. Huckabee, be, and are hereby appointed commissioners to cause books to be opened at such times and places and by such persons as they or a majority of them may prefer or select for subscriptions to the capital stock of the New Orleans and Selma Railroad Company of the State of Alabama.  
 SEC. 2. *Be it further enacted*, That the commissioners appointed by the foregoing section, shall assemble in the city of Selma, on the first Monday in April, 1866, or on such day thereafter, as a majority of them may agree upon, and a majority being present, they shall appoint the times and places, when and where said subscription book

Appoint time shall be  
 find place.

shall be opened, and they shall determine the amount to be paid on each share, at the time of subscribing, and they shall cause notice thereof to be published in such newspapers as they shall deem advisable, at least ten days before the day or days appointed for the opening of said books, which said books shall be kept open for twenty days, or until the sum of one hundred thousand dollars has been subscribed to the capital stock of said company.

SEC. 3. *Be it further enacted*, That whenever the said commissioners shall find upon examination that the sum  
 When created of one hundred thousand dollars, or more, has been sub-

body politic.

scribed to the capital stock of said company, then the subscribers and those whom they may at any time associate with them, their successors and assignees, shall be, and

are hereby made and created a body politic and corporate, by the name of "The New Orleans and Selma Railroad Company," and by that name shall have perpetual succession, and a common seal, with a capacity to hold, have, receive, and enjoy to them and their assigns and successors, property and estate of whatever nature and quality, and the same to alien, hold, transfer and dispose of, so far as may be necessary to carry into effect the object of this charter, which is hereby declared to be the construction and maintenance of a railroad from New Orleans to Selma, Alabama, by the most practicable route, or to connect with the Alabama and Mississippi road, as the company may elect; Provided, the connection with such road shall only be made by and with the consent of the Selma and Meridian railroad company.

SEC. 4. *Be it further enacted,* That whenever upon examination of said subscription books the sum of one hundred thousand dollars, or more, has been subscribed to the capital stock of said New Orleans and Selma railroad, the commissioners appointed under the first section of this act, a majority of them being present, shall call a general meeting of the subscribers at such time and place as the commissioners may appoint, and at such meeting, the subscribers, or a majority of them in value, shall elect seven directors by ballot, to manage the affairs of said company for the ensuing year, and the commissioner aforesaid or any three of them, shall be judges of said first election for directors, and the directors then chosen shall elect among themselves one of their number to be president of said company, and shall allow him such compensation as they may think proper, and on all occasions whenever a vote of stockholders shall be taken, each stockholder shall be allowed one vote for every share of stock owned by him or her, and any stockholder may depute any other person to vote for him or her, as his or her proxy by written authority.

SEC. 5. *Be it further enacted,* That in case it shall so happen, that an election for directors shall not be made on the day appointed by the laws of said company, said company shall not be dissolved on that account, but such election may be holden on any other day which shall be appointed by the directors of said company, and if necessary such meeting may be adjourned from day to day until such election can be made, and said directors shall

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Name.

Privileges.

Object of charter.

Proviso.

General meeting.

Election of directors.  
President.

Manner of voting.

Failure to elect not to dissolve company.

<p>Vacancy.</p>	<p>have power to fill any vacancy which may occur in the board by death, resignation or otherwise.</p>
<p>Annual elec- tion.</p>	<p>SEC. 6. <i>Be it further enacted,</i> That the directors shall be chosen annually by the stockholders of said company, and shall hold their offices until their successors are elected, and the directors so elected shall elect a president from among themselves.</p>
<p>Officers, agents &amp;c.</p>	<p>SEC. 7. <i>Be it further enacted,</i> That the said president and directors may appoint all such officers, engineers, agents, and servants, and confer upon them such power and authority as they may deem necessary to carry on the business of said company. They shall fix the compensation to be allowed them, or give authority to do so to the president of the company, and may remove all such officers, engineers, agents and servants, at their pleasure, and they shall have power to pass all such by-laws, rules, and regulations as they may consider necessary for the good government of the corporation, its officers, agents and servants, and for carrying into effect the object of this act; Provided, only that such by-laws and regulations shall not be contrary to the constitution or laws of this State or of the United States.</p>
<p>By-laws, rules, &amp;c.</p>	
<p>Proviso.</p>	
<p>Books for ad- ditional sub- scription.</p>	<p>SEC. 8. <i>Be it further enacted,</i> That the said president and directors may open at such times and places as they may think proper, books to receive additional subscriptions to the capital stock of said company upon such terms and conditions as they may provide, which capital stock may be added to from time to time, until it shall amount to the sum of one million of dollars.</p>
<p>Installments.</p>	<p>SEC. 9. <i>Be it further enacted,</i> That the president and directors shall have power to require the stockholders of said company to pay such installments on their respective shares of stock in said company, at such times as they may think best for the interest of said company, and upon the failure or refusal of any stockholder to pay the installments required on his or her stock in pursuance of any call made by said president and directors as aforesaid, said president and directors may, upon giving twenty days' notice, proceed to sell at public auction the share or shares of said defaulting stockholder, or such part as they may think proper, to the highest bidder, and cause to be transferred on the books of said company the stock so sold to the purchaser, and if on sale of the shares of stock held by said defaulting stockholder, said stock should be sold for</p>
<p>Penalty for failure to pay.</p>	

less than the amount due upon the installments which



may have been called in, said stockholder shall be liable to pay to said company the deficiency in manner and form hereinafter specified.

Stockholders liable for deficiency.

SEC. 10. *Be it further enacted*, That upon the failure or refusal of any stockholder to pay any installments called for by the president and directors of said company, or if upon the sale of the stock held by said stockholder, it should be sold for less than the amount due upon installments called, then the said president and directors, on giving twenty days' notice to said defaulting stockholder, may proceed, by their attorney, to move the circuit court of the county in which said stockholder may reside, for judgment against the stockholder for the amount called for by the said president and directors of said company, or as the case may be, for any balance or deficiency that may be due to said company on said installments so called for after the sale of any stock held in said company by said defaulting stockholder; and said court is hereby authorized, and empowered, and required, to render judgment against said defaulting stockholder at the term of the court at which said motion is made; and all notices required to be given to any defaulting stockholder, shall be issued by and in the name of the company, and signed by the secretary of said company; and said notice shall be served by the sheriff or other legal officer of the county in which said stockholder may reside; and said notice shall be executed and returned by said officer to the office of the clerk of the court as in the case of common writs.

Proceedings against defaulting stockholder.

SEC. 11. *Be it further enacted*, That said company is hereby authorized to purchase, receive and hold such lands and other property as may be necessary and convenient for accomplishing the object for which this incorporation is chartered, and may be its agents, surveyors, engineers and servants, enter upon all lands through which they may deem it necessary to make said road, and to survey, locate, and contract for land upon which to construct said road, and upon which to erect their station houses, depots, workshops, buildings and turn-outs, and for such other uses and purposes as may be necessary for the operation of said road.

May purchase bonds, &c.

Right of way.

SEC. 12. *Be it further enacted*, That if said company cannot agree with the owners of the land through which they may desire the road to pass, or with any person

having the authority to grant the right of way by sale or

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otherwise, it, shall and may be lawful for the clerk of the circuit court of the county in which said lands may lie, on the application of said company or its agents, and he

Ad quod dam- is hereby required to issue a writ of *ad quod damnum* num. commanding the sheriff that without delay he cause a jury of seven good and lawful men to be upon such lands on a day to be by the sheriff fixed and appointed, and whereof it shall be his duty to give notice to the owner,

Notice. or if he or she be a minor or a lunatic, to his or her guardian, at least five days before such day if they be within his county, or if not, or if the owners be unknown, non-residents, or absent from the State, this notice shall be given by advertisement to be by said sheriff posted in some public place, or conspicuous place in the neighborhood of said land at least ten days before the appointed day, and also by advertisement of the same in some newspaper published nearest the land, at least three weeks by weekly insertions prior to said duty, and then cause said jury after being duly sworn by the sheriff or a justice of the peace to make true inquest of the damage that will be sustained by said owner or estate, by reason of making such road through such land, and by using so much thereof as may be necessary therefor, not exceeding one hundred feet on each side of the road, for the construction of said road through said land, and not exceeding fifteen acres that any one place, for such station houses, depots, buildings, and turnout as may be necessary for the benefit of said company. If any juror shall fail to appear, or by reason of challenge or otherwise shall fail [to] appear, the said sheriff shall fill said jury as soon as possible, and if they fail to render a verdict, the said sheriff shall again on the same or on some subsequent day, empanel a new jury or or jurors until a verdict be had, such verdict and inquest

Further proceedings. Return of ver-regularly certified by said sheriff shall be returned to the dict. office of the clerk of the circuit court of the county in which said lands lie, there remain among the records, and such verdict shall vest in said company the right to use such land, timber and stone, granted for the purposes of said company on the payment or tender of payment of damages thereon assessed against said company, and in case of persons non-resident, or unknown, as aforesaid, or upon, the refusal of said persons to receive the amount, the placing of such damages to the credit of the owner

Consequence of verdict. Payment of in the hands of the probate judge of the county in which

damages.

said lands may be, shall be deemed and taken as payment,

and such judges shall be liable on their bonds to make due payment.

SEC. 13. *Be it further enacted*, That the jurors trying said causes shall take the following oath, which oath the sheriff or his deputy acting in said case is hereby authorized to administer: You and each of you do swear or affirm, as the case may be, that you will well and truly try the case now pending and submitted to your decision between A. B., complainant, and the New Orleans and Selma railroad company of Alabama, defendant, and that you will take into consideration the advantages which said owner will derive from the increased value of his land caused by the construction of said road, as well as the injury and damage which may be done to him by the use of the land, timber, stone, &c., for the construction and maintenance of said roads, so help you God; Provided, That in no case shall the owner of the land be brought in debt.

Juror's oath.

Proviso.

SEC. 14. *Be it further enacted*, That either party may appeal to the next circuit court held after the assessment, by application to the clerk of the court within thirty days after such assessment, and upon giving security for the prosecution of such appeal, and in case the appeal is made by the corporation, for judgment which may be rendered against it on appeal.

Appeal.

SEC. 15. *Be it further enacted*, That the trial of said appeal shall be de novo, and if the corporation is the appellant, and if the damages assessed are equal to or greater than found on the previous inquest, the appellant must pay the costs, and the court may award not exceeding ten per cent. damages, if of the opinion that the appeal was taken for delay merely.

Proceedings in appeals.

SEC. 16. *Be it further enacted*, That in case the appeal is not taken by the corporation, and the appellant does not recover more damages than were assessed to him, judgment for costs must be rendered against him; on such appeals, when judgment is against the appellant, execution may issue against the security.

Execution against security.

SEC. 17. *Be it further enacted*, That the work of surveying, locating, and constructing said railroad, shall in no wise be hindered or delayed on account of the proceedings had under the provisions of the foregoing sections of this act.

Work not to be delayed.

SEC. 18. *Be it further enacted*, That in case any person

Injuries to

shall willfully injure or obstruct said road or delay the

road.

<hr style="width: 100px; margin-bottom: 10px;"/> <p>Proceedings.</p> <p>Penalty.</p> <p>May build bridges with restrictions.</p> <p>Proviso.</p> <p>Rights as to other roads.</p> <p>Proviso.</p> <p>Power to borrow money and issue bonds.</p>	<p>construction thereof, he shall forfeit and pay to said company three times the amount of damages it may have sustained in consequence thereof, to be sued for and recovered in the same manner as required by law for such individuals in like case, and on complaint to any magistrate within whose jurisdiction such offense shall be committed, it shall be the duty of the said magistrate, to bind the person or persons so offending with sufficient security for his or their good behavior, for a period of not less than one year, and such offenders shall, in addition, be subject to all the penalties now provided by law for such offenses.</p> <p>SEC. 19. <i>Be it further enacted</i>, That whenever it shall be necessary for the construction of said road to intersect or cross any stream of water or water course, whether navigable or not, it shall be lawful for said company to construct across said stream, bridges, which, if upon navigable streams, shall be with draws of sufficient width to admit the safe passage of steam or other vessels navigating said stream, to be built upon such plans as will allow the passage safely of steam or other vessels by, around or under such bridges; and provided, that said company shall keep at all times, day and night, proper watchmen to avoid delay in the passage of such steam or other vessels as may navigate said stream.</p> <p>SEC. 20. <i>Be it further enacted</i>, That it shall be necessary for said company to continue the railroad across or upon any public road or highway, or in case such public road or highway is so located that said road cannot be judiciously laid out and constructed across or upon the same without interfering therewith, in such case or cases said corporation may be their engineers cause such road or highway to be changed or altered in such manner that said railroad may be made on the best site of ground for that purpose; Provided, That said road or highway shall be put by said corporation in as good repairs as it was at the time of altering or changing the same.</p> <p>SEC. 21. <i>Be it further enacted</i>, That the president and directors of said company shall be and they are hereby authorized and empowered to borrow money to carry into effect the object of this act, to issue notes, bonds and other obligations for the payment of the same, in such form and payable at such times and places, and bearing such rates of interest as they may prescribe, and the said</p>
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president and directors are hereby invested with full au-



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thority and power to mortgage their road and property, and the franchise of said company to secure the payment of the same by deed of trust or otherwise, and they have full power to hypothecate, sell, or otherwise dispose of the promissory notes, bonds, or other obligations of any person or persons, or of any corporation, and if necesasry to guarantee the payment of the same by endorsement or otherwise.

SEC. 22. *Be it further enacted*, That after the comple- tion of any part of said road, the said New Orleans and Selma railroad company may levy and collect tolls of, and from all persons, and from all property, merchandise, and other commodity transported thereon, and said com- pany may contract for the transportation of the mail, and for the exclusive right to use their passenger train for expressing goods, wares, merchandise and money.

Tolls.

Mail.

Express.

SEC. 23. *Be it further enacted*, That all the hands belonging to or employed by said company on their road, works or engines, are hereby declared to be exempt from road duty in the several counties through which said road may run.

Exempt from road duty

Approved, February 23, 1866.

No. 167.]

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AN ACT

To incorporate the Trustees of Lawrence Lodge, No. 248.

SECTION 21. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assem- bly convened, That the W. A. O'Hara, Isaac F. Culver, and Munroe Stanford, officers of Lawrence Lodge, No. 248, who are transferers of the property belonging to the Lawrenceville male and female academy, in trust for the use of said Lodge, and their successors in office, be, and they are hereby constituted a body corporate, and as such, may sue and be sued, plead and be impleaded, use a common seal, and may acquire and hold any property, real, personal and mixed, by purchase or gift, that may be deemed necessary for the promotion of the cause of education.

Corporators.

Privileges

SEC. 2. *Be it further enacted*, That said corporators Subrogation. are subrogated to all the rights conferred by the act, en-

titled “an act to incorporate the Lawrenceville male and

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Privileges. female academy, in Henry county, and for other purposes,” approved January 22d, 1858, and may exercise all the privileges conferred upon th trustees of said academy by said act.  
Approved, February 23, 1866.

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No. 168.] AN ACT

To incorporate the Alabama and Northwestern Oil Company.

Corporators. SECTION 1. *Be it enacted by the Senate and Hose of Representatives of the State of Alabama in General Assembly convened,* That John V. Farwell, James D. Thompson, and Walter S. Carter, their associates and successors, are hereby constituted a body politic and corporate, under the name of the “The Alabama and Northwestern Oil Company,” and by that name shall be capable of suing and being sued, pleading and being impleaded, having a common seal, and of enjoying all the rights of corporations, not inconsistent with the constitution of the State, nor of the United States.

Name. SEC. 2. *Be it further enacted,* That the business of said corporation shall be the production of oil, by boring, manufacturing or otherwise, in the State of Alabama; and for this purpose, said corporation shall have the right, to purchase, lease or convey estate, real personal or mixed, and do all things necessary to the full carrying into effect

Privileges. of the powers herein granted.

Business of company. SEC. 3. *Be it further enacted,* That the capital stock of said corporation shall be one million dollars divided into shares of one hundred dollars each.

Rights. SEC. 4. *Be it further enacted,* That the officers of said corporation shall consist of a president, vice-president, secretary, treasurer, and five directors, who shall hold office for one year, or until their successors shall be lawfully chosen, and who shall have all the rights, and be subject to all the liabilities of such officers.

Capital stock. SEC. 5. *Be it further enacted,* That this act shall take effect from and after its passage.

Officers of corporation. SEC. 6. *Be it further enacted,* That said corporate powers are granted for the term of twenty-five years

Date.

Term of char-  
ter.

from and after the passage of this act.  
Approved, February 23, 1866.

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No. 169.]

AN ACT

Incorporating the Cahaba Coal Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That L. F. Miller, R. M. Moore, J. C. Bridge- Corporators. man, S. N. Hopkins, Joseph Kelloy, and S. E. Bridgeman, and such others as they may associate with them, and their successor, are hereby created a body politic, and corporate, by the name of "The Cahaba Coal Company," and by that name shall sue, and be sued, and perform all other acts incidental to bodies corporate, and have all such powers as are necessary to carry into effect the objects of the corporation, not inconsistent with the constitution and laws of the State of Alabama, or the United States.

Name.

Powers.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation shall be three hundred thousand dollars, divided into shares of one hundred dollars, each, and in all meetings and votes of the stockholders, the members shall be entitled to vote upon the number of shares of stock held by them respectively.

Capital stock.

SEC. 3. *Be it further enacted,* That the affairs of said company shall be managed by a board of directors of ten stockholders, one of whom shall be president, and by such officers and agents as they shall appoint.

Officers of company.

SEC. 4. *Be it further enacted,* That the said corporation shall be liable to its creditors to the extent of its property, and the stockholders respectively to the amount of their stock not paid up.

Liability of corporation.

SEC. 5. *Be it further enacted,* That the object of said corporation is declared to be the conducting the business of mining coal in the county of Shelby, and disposing of it when purchased for market, and they are hereby vested with all powers necessary to carry out the said objects.

Objects of company.

Powers.

SEC. 6. *Be it further enacted,* That the president and directors shall have authority to pass such by-laws as they may deem necessary for the government of the corporation, and that the corporation shall continue in existence for twenty-five years.

By-laws.  
Term of charter.

Approved, February 23, 1866.

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No. 170.]

AN ACT

To incorporate the Montgomery Oil Mining Company of Alabama .

Corporators.	SECTION 1. <i>Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,</i> That W. C. Bibb, J. J. Moses, Virgil S. Murphy, Alfred H. Moses, and W. B. Gowen, and such other persons as may be associated with them and their successors, be, and they are hereby made and constituted
Name.	a body corporate, under the name and style of "The Montgomery Oil and Mining Company, of Alabama," and by that name they shall be capable in law, to hold, purchase, receive, possess, and enjoy to them and their suc-
Rights.	cessors, real and personal property, to any amount they may deem useful, in carrying all the object of said corporation into full force and effect, which objects are to bore or mine for rock oil, or petroleum, and the purchase, leasing, development and sinking and working of oil wells, and the sale and disposition of such lands, leases and wells, and also, to mine coal, iron, copper, and other minerals, and to transport and sell said petroleum, minerals and metals, in a crude or prepared state, and the same to prepare for market in any manner they may deem most advantageous, and by that name to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts having jurisdiction; and the corporation shall have power to make, use, and have a common seal, and to break, alter and renew the same at pleasure; Provided, however, That said corporation shall be organized in accordance with the provisions of this charter, within three years from the date of the approval of this act.
Objects.	
Powers.	
Proviso.	
Capital stock and its division.	SEC. 2. <i>Be it further enacted,</i> That the capital stock of said company or corporation ,shall be one hundred thousand dollars, and the number of shares shall be four thousand of twenty-five dollars each, with the privilege of increasing said capital to the amount of the assets of said company or corporation, and with power to issue certificates of stock for such increase; Provided, nevertheless, That the rule adopted, shall be uniform, equally securing the rights of each stockholder.
May be increased.	
Proviso.	

SEC. 3. *Be it further enacted,* That the stockholders of said corporation shall have power to elect a board of

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directors, who shall elect such officers as they may deem necessary to conduct and manage the affairs of said corporation, and by a vote of the majority of the directors, or of the stockholders to make such by-laws, and pass such resolutions, and the same to put into execution, as they may judge expedient for the interest of said corporation, not being inconsistent with the constitution of this State or the United States.

Directors and powers.

SEC. 4. *Be it further enacted,* That if the officers be not elected on the day appointed by the by-laws, the corporation shall not for that cause be dissolved, but those in office shall hold until their successors shall have been elected.

Term of office.

SEC. 5. *Be it further enacted,* That the said corporation shall have the right to construct rail-ways, or other roads from their mines or places of operation, to such point or points as may be most convenient and practicable to establish direct communication with any public railroad or navigable river, and it shall be entitled to acquire the right of way for such roads, and the necessary turnouts, and such land as may be necessary for depots, and in acquiring the right of way for main roads and the necessary turnouts, and the lands for depots, the corporation shall, in all such cases make just compensation to the owner or owners of such lands before acquiring any right to the same, and that said corporation may levy and collect fare, freight and tolls, for the use of such roads constructed by it.

Rights of way.

Compensation for tolls.

SEC. 6. *Be it further enacted,* That in order to facilitate the operations of said incorporation, it is hereby invested with the right to erect dams and construct such works on water courses as they may deem necessary to the propelling of machinery, required to facilitate and carry on successfully the operations of said corporation, but shall not obstruct any navigable stream.

Water privi-

SEC. 7. *Be it further enacted,* That this charter is hereby limited to the term of twenty-five years.

Limit of char-

Approved, February 8, 1866.



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No. 171.] AN ACT

To incorporate the Stonewall Institute, in Perry county.

Corporator.

Name.

Privileges.

Powers.

Restrictions on liquors.

Penalties.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That D. C. B. Connerly, principal of the Stonewall Institute in Perry county be, and he is hereby constituted and declared a body corporate, by the name and style of the "Stonewall Institute," and as such may sue and be sued, implead and be impleaded, answer and be answered unto in all kinds of actions, both in law and equity; have and use a common seal, elect or appoint all such teachers or associates as he may choose at any time, and remove the same at pleasure, and pass or adopt all such laws, rules or regulation as he may deem advisable for the good government of said institute.

SEC. 2. *Be it further enacted,* That said Connerly may prescribe and adopt the order, mode, kind or branches of study and learning to be pursued in said institute, fix the rates of tuition, grant diplomas or other certificates of scholarship, and in short, do any and all things necessary and proper to further the objects of said literary institution, or which other literary institution of like kind may do.

SEC. 3. *Be it further enacted,* That it shall not be lawful for any person or persons to make, instil, sell or retail any vinous or spirituous liquors of any kind within a distance of three miles of said Stonewall Institute, and any person or persons violating the provisions of this act, shall be liable to indictment, and on conviction, shall be fined in the sum of five hundred dollars and imprisoned in the county jail for six months.

Approved, February 23, 1866.

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No. 172.] AN ACT

To incorporate the town of Ozark, in Dale county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the town of Ozark in Dale county be

Incorporation. and the same is hereby incorporated, and invested with

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the powers privileges and immunities usually conferred upon incorporated towns of like population; that the corporate limits of said town shall extend for one mile from the center thereof, and that it shall not be lawful for any person to retail vinous or spirituous liquors within said corporate limits in less quantities than one quart.

Privileges.

SEC. 2. *Be it further enacted,* That the powers of electing an intendant, wardens or other officers necessary to carry into effect the provisions of this act, with the additional powers to pass by-laws, rules and regulations for the good government of the inhabitants of said town, in conformity with the provisions hereof, be, and the same are hereby conferred for the term of twenty years.

Limits.  
Restrictions on sale of liquors.

SEC. 3. *Be it further enacted,* That in all cases of a violation of the first section of this act, upon conviction, the party violating, in addition to the usual fine and imprisonment upon parties retailing without license, such party shall also be fined in the additional sum of fifty dollars, to go to the support of the school located within said corporate limits.

Term of powers.

Approved, February 23, 1866

Penalty for violating 2d, section.

No. 173.]

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AN ACT

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the "Governor's Guards," a company organized in the county of Montgomery, with the following persons now acting as their officers, to-wit: William S. Thorington, captain, Thomas G. Jones, first lieutenant, John Campbell, second lieutenant, Joseph Beall, third lieutenant, Daniel Frazer, first sergeant, Irving Browder, second sergeant, Henry D. Herron, third sergeant, Thomas D. Clarke, fourth sergeant, James P. Phelan, fifth sergeant, William Ware, first corporal, Henry C. Stringfellow, second corporal, William Browder, third corporal, Montgomery Relte, fourth corporal, Frank Lacey, fifth corporal, William Clinton, Secretary, Charles Hannon, treasurer, Chelley Barney, quarter-master, John Hall, armorer, be and they are hereby incorporated by the name and style of the "Governor's Guards" an inde-

Corporators.

Name-place.

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Duties and rights.	pendent company in the city of Montgomery, and said company shall be the body-guard of the governor of the State of Alabama, and subject to his control only, and possess all the usual powers incident to bodies corporate.
Constitution and by-laws.	SEC. 2. <i>Be it further enacted,</i> That the said Governor's Guards are hereby authorized to adopt any constitution and by-laws of this State or of the United States, which shall be obligatory on the members, officers and privates of said company until repealed.
Disposition of moneys.	SEC. 3. <i>Be it further enacted,</i> That all moneys collected by any officer for fines assessed against any member of said company, shall be paid over to any person authorized to receive the same, and all moneys so arising shall belong exclusively to said company and be entirely under their control.
Number.	SEC. 4. <i>Be it further enacted,</i> That said company shall consist of not less than thirty, nor more than one hundred regular members, including officers.
Exemption from road and jury duty.	SEC. 5. <i>Be it further enacted,</i> That in order that said company may be augmented and perpetuated, the members thereof are hereby exempt from working on roads and serving on juries.
Certificate evidence.	SEC. 6. <i>Be it further enacted,</i> That a certificate from the commanding officers of said company, that the bearer thereof is a member of said company, shall so exempt said bearer, and also from performing militia or patrol duties in any other regiment or company in this State.
Arms, etc.	SEC. 7. <i>Be it further enacted,</i> That said company shall be furnished by the governor of the State with arms and accoutrements, &., upon the execution of a bond, with good al lawful security, payable to the quarter-master-general of the State.
Repeal.	SEC. <i>Be it further enacted,</i> That the Legislature of this State may at any time repeal this act. Approved, February 10, 1866.

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No. 174.]

AN ACT

To alter and amend section 6 of "An act to incorporate the town of Union Springs, in Macon county."

SECTION 1. Be it enacted by the Senate and House of

Representatives of the State of Alabama in General Assembly convened, That section 6 of “An act to incorporate the town of Union Springs, in Macon county,” approved February 6<sup>th</sup>, 1858, in the words following, to-wit: “That when said councilors shall have been qualified as hereinbefore provided, that they shall proceed to elect by a majority of votes, from their own body, an intendant, whose jurisdiction shall extend to all laws passed by the incorporation for its government, and in the absence or incapacity of the intendant, and member may be called to the chair. The intendant shall approve all ordinances that may be passed by the board, and shall be ex officio justice of the peace for all purposes connected with the incorporation, and the enforcement of its laws, and shall be entitled to receive for his services, in enforcing the laws of the incorporation, the same fees as are, or may be allowed to the justices of the peace in the county of Macon”– be altered and amended so as to read: That in all elections for councilmen in said town the intendant thereof shall be elected by the qualified voters, and the person receiving the highest number of votes shall be declared elected. The intendant shall approve all ordinances that may be passed by the board, and in his absence any member may be called to the chair. The intendant shall be authorized to exercise all the functions and powers of a justice of the peace, and shall be entitled to receive for his services the same fees as are or may be allowed by law to justices of the peace in the county of Macon; Provided, He shall comply with all the requirements of the law in relation to justices of the peace in said county.

Amendment.

Election of intendant.

Authority of intendant.

Proviso.

Approved, February 18, 1866.

No. 175.]

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AN ACT

To incorporate the Rock Mills Manufacturing and Lumber Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Wilkins Stephens, John W. Thomason, J. Eichelberger, Thos. J. Halley, William Clark and

Corporators.

William E. White, and such other persons as may here-

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Objects of or-  
ganization.

after be associated with them, and their successors be and they are hereby constituted a body corporate, in fact and in name, under the style and name of the "Rock Mills Manufacturing and Lumber Company," and by that name shall be, and the are hereby made able and capable in law to have, purchase, possess, enjoy and receive, to themselves and their successor, lands, rights, tenements, hereditaments, goods, chattels and effects, in any amount the body corporate may deem necessary to carry all the objects of the said corporation into full force and effect, which objects are the manufacturing of cotton yarns, woolen goods and lumber, and the same to sell, devise, grant and dispose of, to sue and be sued, to plead and be impleaded, to answer and be answered, defend and be defended in all the courts having jurisdiction, to make, have and use a common seal, and the same to break, alter and renew at pleasure.

Privilege of  
corporators.

SEC. 2. *Be it further enacted,* That said body corporate shall have privilege of prescribing the amount of capital stock of said company, and the number of shares into which it shall be divided, the mode in which it shall be taken, paid, transferred or assigned, and also to provide the mode by which stockholders may vote; to authorize, establish and put into execution such by-laws, ordinances and regulations as they may deem necessary and expedient for the government of said corporation, not being inconsistent with the laws of Alabama, or of the United States of America, and to do and execute all and singular the acts, matters, and things which may be necessary to carry out the objects of said corporation, as set forth in the first section of this bill; Provided, That nothing contained in this act shall be so construed as to grant to said company banking privileges.

Approved, February 8, 1866.

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No. 176.]

AN ACT

To preserve the chartered rights of the Broad Street Hotel Company of Selma.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assem-*

*bly convened,* That the chartered rights, powers and priv-



ileges, and organization of the Broad Street Hotel Company, a corporation of the city of Selma, so called, organized under an act of the Legislature of this State, shall not be impaired by the omission of said corporation to prosecute its business, or to elect directors, or perform other acts during the existence of the late war in which the country has been involved; but the said corporation shall have the right to resume operations elect directors, and do and perform all things authorized in and by the act under which it was incorporated and organized, at any time within three years from and after the passage of this act.

Chartered  
rights not  
impaired.

Limitation.

Approved, February 13, 1866.

No. 177.]

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AN ACT

To revive an act incorporating the Mobile and Three-mile Creek Plank Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act entitled “An act to incorporate the Mobile and Three-mile Creek Plank Road company,” approved November the seventh, one thousand eight hundred and sixty-two, be, and the same is hereby re-enacted, and shall remain in full force and effect for thirty years from and after the approval hereof.

Re-enactment.

Term of charter.

Approved, February 23, 1866.

No. 178.]

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AN ACT

To amend the tenth section of an act entitled “An act to incorporate the Northern Bank of Alabama,” approved 10<sup>th</sup> February, 1862, referring to directors.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section ten (10) of an act entitled “An act to incorporate the Northern Bank of Alabama,” approved 10<sup>th</sup> February, 1852, which reads—“That no person shall be a director on the part of the stockholders



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Amendment.

unless he shall own one thousand (1,000) dollars worth of stock in the said bank, *bona fide*, and as his own property, nor unless he shall be a resident citizen of the State and is not a stockholder in any other bank; and the directors for the State shall be citizens of the State, and shall not own stock in any other bank; Provided, That no director shall become indebted to the bank in a greater sum than the amount of his stock actually paid in," – be amended by striking out the words, "and is not a stockholder in any other bank," where they occur in the fifth (5<sup>th</sup>) line of said 10<sup>th</sup> section in the printed act.

Approved, February 23, 1866.

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No. 179.] AN ACT

To incorporate the German Association for the promotion and protection of German immigration.

Corporators.

Name and rights.

Objects.

Agent his duty and powers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Martin Dotzheimer, Albert Strasser, Fares R. Hacklander, Charles Sparrenberger, Alex, Miller Lewis Franklin, and their associates be, and the same are hereby constituted a corporate body under the name of "The German Association for the promotion and protection of German immigration for the State of Alabama;" that they shall have the right to sue and be sued, and to acquire such property, real or personal, as may be necessary for the accomplishment of its objects.

SEC. 2. *Be it further enacted*, That said association shall have for its object the welfare of the German immigrants in the State of Alabama; that it shall assist them with advice or material aid as far as said association may see proper; that it shall endeavor to bring German immigrants to this State by publishing correct statements of the productions, fertility and aptness for white labor of the soil, the salubrity of the climate, and other matters of interest to the would be immigrant, in the northern and European papers.

SEC. 3. *Be it further enacted*, That said association shall have the right to appoint an agent to reside in the city of Montgomery, whose duty it shall be to look after

the interest of German immigrants who may arrive in

that city, and who shall have power to make contracts with them and with those who want to employ them; also, to procure lenses of land, or to purchase real estate for those who wish to settle in the State of Alabama, and for this purpose said German association shall be granted the right to act as real estate agents and commissioners for the procuring of laborers and employment.

SEC. 4. *Be it further enacted,* That the officers said association shall be a president, vice president, secretary, and treasurer, to be elected for the term of one year, whose duties and authority may be defined by said association, subject to the laws of the United States and the State of Alabama.

Officers.

SEC. 5. *Be it further enacted,* That should at any time this association see fit to dissolve itself, any real or personal property belonging to said association shall be turned over to such other organization of similar character within the State of Alabama, or if there be none such, to such other benevolent institution or institution within the State of Alabama as the members of the association may direct.

Powers as to  
property.

Approved, February 3, 1866.

No. 180.]

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AN ACT

To preserve the chartered rights of the Selma and Gulf Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the chartered rights, powers, privileges, and organization of the Selma and Gulf railroad company, a body corporate of this State, shall not be affected or impaired by the omission of said corporation to prosecute their business, or to elect directors, or do other acts during the existence of the late war in which the country has been involved, but the said company shall have the right to resume operations, elect directors, and do and perform all things authorized in and by the act under which they were incorporated and organized, at any time within three years from and after the passage of this act.

Chartered  
rights unim-  
paired.

Limitation.

Approved, February 13, 1866.

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No. 181.]

AN ACT

To incorporate the Apalachian Oil, Coal, Mining and Manufacturing Company.

Corporators.	SECTION 1. <i>Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,</i> That A. G. Weden, C. M. Davis, J. C. Plant, James Dickey, Jeremiah Sheperd, J. R. Talbert, A. J. Smith, D. D. Weden, and M. B. Mcahan, and their associates and assigns, shall be and they are hereby incorporated and made a body politic, by and under the name and style of "The Apalachian oil, coal, mining and manufacturing company," and by that name shall be capable in law of purchasing, leasing, renting, and holding all such property, real, personal, and mixed, as they may require for the purpose of mining for oil, coal, salt, iron and other minerals and metals, and for manufacturing the same, and for transporting the products of their mines, lands, and manufactures, and disposing of the same, and may sue and be sued in all courts of law and equity, and may have and use a common seal, and generally do any every other act of thing necessary to carry into effect the provisions of this act, and to promote the objects of said company, with the privilege of having offices for the transaction of business at such point or points as they may deem necessary.
Name and privileges.	
Capital stock.	SEC. 2. <i>Be it further enacted,</i> That the capital stock of said company shall be two hundred and fifty thousand dollars, (\$250,000) with the privilege of increasing the same to five hundred thousand dollars, (\$500,000) to be divided into such number of shares as shall be provided for and fixed by the by-laws of said company.
Subscriptions.	SEC. 3. <i>Be it further enacted,</i> That the persons before named or any three of the, shall be authorized to receive subscriptions to the capital stock of said company, to determine the amount per share of said stock, and when the subscriptions shall amount to not less than fifty thousand dollar, (\$50,000) the stockholders may organize and make by-laws for the government of the company, and each share of stock shall entitle the holder to one vote.
Organization.	
President and	SEC. 4. <i>Be it further enacted,</i> That the affairs of the

directors and  
their powers.

said company shall be managed by a president who shall  
be a director, and four other directors, to be elected by



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the stockholders, a majority of which board shall have the power to appoint or elect and employ all such officers, agents and other employees as they may deem necessary for the successful prosecution of the business of the company, and to purchase, rent, lease or hire all such lands, buildings, chattels, materials, rights, privileges and effects, of whatsoever kind, as they may deem necessary for effecting the objects and interests of the company, and the same or any part thereof to use or otherwise dispose of.

SEC. 5. *Be it further enacted*, That the board of directors or a majority of them, shall have power to call for payment of installments of any unpaid balances due on the stock, and to provide for the forfeiture and sale of any share or shares thereof, in default of payment, after thirty (30) days' notice shall have been given, and for the remission of such forfeiture upon such terms and conditions as they may deem reasonable and just.

Installments.

Forfeitures.

SEC. 6. *Be it further enacted*, That the shares of said company shall be considered and held in law as personal property, and may be sold and transferred on the books of said company, or assigned or bequeathed by the owners thereof.

Shares personal property.

SEC. 7. *Be it further enacted*, That special meetings may be called by a majority of the board of directors, or by any one or more of the stockholders holding one-fourth of the stock of the company.

Special meetings.

SEC. 8. *Be it further enacted*, That this act shall be and continue in force for the term of thirty-five (35) years from and after the date of its passage.

Term of charter.

Approved, February 8, 1866.

No. 182.]

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AN ACT

To incorporate the Pioneer Petroleum Mining Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Andrew T. Jones, Robert Hall, Giles Edwards, Charles B. Andrews, and John M. Parkman, and their associates and successors be and they are hereby constituted and created a body corporate, by and under

Corporation.

And succes-

the name and style of th Pioneer Petroleum Mining  
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sors.

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Powers of the corporation.	Company, and as such, and in and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, have and use and alter at pleasure a corporate seal, and do all manner of business authorized in and by this act not contrary to law.
Purposes of the corporation.	<p>SEC. 2. <i>Be it further enacted,</i> That said company shall be and they are hereby authorized to engage in and carry on the business of boring and mining for petroleum, salt, copper, coal, and other minerals and substances of value, and of refining, converting and otherwise changing petroleum and the other minerals and substances they may procure from a crude or native state in such manner as to enhance their utility and value, and may lease or purchase and own such tracts or parcels of land and machinery, and buildings, and structures, and implements, and other things as may be needful and convenient in their business and operations, and as they may determine; and may contract and own and use such ways and roads and conveyances as may be needful and convenient in the transportation of their products and materials required in their business .</p>
Capital stock of company.	<p>SEC. 3. <i>Be it further enacted,</i> That the capital stock of said company in hereby fixed at the sum of one hundred thousand dollars, to be divided into shares of one hundred dollars each, and may be increased to such cum as said company may desire and determine, not exceeding the sum of five thousand dollars. Said company may elect a board of directors, to consist of three stockholders, who may elect one of their number as president of the board of directors, and of the company. But the company shall have power, at their discretion, to increase the number of directors as they may deem proper. The president and directors will hold their office for one year, or until the election of their successors. In all matters pertaining to the business or interest of the company, each stockholder will be entitled to one vote for every] share of stock owned, and in all conventions of the stockholders it shall require a representation of a majority of the stock by the stockholders, in person or by proxy, duly appointed in writing, to constitute a quorum for the transaction of business.</p>
	<p>SEC. 4. <i>Be it further enacted,</i> That the said company shall have power to make all by-laws, rules, and regula-</p>

tions deemed proper for the management of their business, and government of the company, and to create all

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offices, and to elect or provide for the election of all officers deemed necessary and proper, and all agents required in and about the business of the company, and to define their duties and qualifications; and may require bond and security with proper conditions to insure fidelity of such officer of officers, or agents, as may be prescribed by the company. The board of directors shall have power to fill all vacancies which may occur in their body or in the office of president; and may appoint a president *pro tem*, to act as president in the absence of that officer. The board of directors may exercise all the powers conferred in and by this act on said company, except the election of directors; Provided, That the stockholders shall have power, acting in convention, by resolution, to limit and define the powers of the board of directors as they may deem proper.

Privileges of company

Approved, February 8, 1866.

No. 183.]

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 AN ACT

To incorporate the Alabama and Georgia Manufacturing Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That James Metcalfe, George Huguly, Benjamin H. Hill, William P. Chilton and George W. Huguly, together with such other persons as may hereafter be associated with them, and their successor be, and they are hereby made and constituted a body corporate, in fact and in name, under the name, style and title of "The Alabama and Georgia Manufacturing Company," and by that name shall be, and are hereby made able and capable at law, to have, hold, receive, purchase, possess and enjoy, to them and their successors, all real and personal estate, of whatever kind or amount said corporatio may deem necessary to carry all the objects of said corporation into full force and effect, and may sell, grant, convey, or otherwise dispose of the same; and may sue and be sued, plead and be impleaded, answer and be answered defend and be defended, in all courts having competent jurisdiction; to make, use and have a common seal, and

Corporators.

the same to alter, break and renew at pleasure, and to do

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Purpose of corporation.	<p>all other act incident to a body corporate and politic.</p> <p>SEC. 2. <i>Be it further enacted,</i> That the objects of said corporation shall be the manufacture of wool and cotton, into thread and cloth, the manufacture of meal, flour, lumber, shingles, boards, and machinery of any description, or such branches or parts thereof as they see proper to engage in. The place of business shall be on the Chattahoochee river, in the neighborhood of Campbell's Mills, in the county of Chambers and in the State of Alabama; and to enable the said persons named in the 1<sup>st</sup> section of this charter to carry out the purposes of this charter, they and their successors and associates may control and use the water of the Chattahoochee river, (so far as the riparian rights of this State are concerned,) by locks, dams, canals, or otherwise, for manufacturing purposes generally; and to secure their property against loss by fire or other injuries, may prevent persons from building fires or camping within two hundred yards of the factory buildings.</p>
Privileges of corporators.	<p>SEC. 3. <i>Be it further enacted,</i> That said body corporate shall have power to prescribe the number of shares into which the capital stock of said corporation shall be divided, the mode in which it shall be taken, paid, transferred or assigned, and also to provide the mode by which stockholders may vote, and the number of votes to which each shares shall be entitled; that the rules adopted shall be uniform, equally securing the rights of each stockholder; and also to provide for the election of such officers as may be deemed necessary for the government and management of the affairs of the corporation; to ordain, establish and put in execution such by-laws, ordinances and resolutions as they shall deem necessary and expedient for the government of said corporation, not inconsistent with the Constitution and laws of the State of Alabama, or of the United States; and in general to do and execute all and singular, the acts, matters and things which may be necessary for manufacturing.</p>
Rights of stockholders.	<p>SEC. 4. <i>Be it further enacted,</i> That said corporation shall not exercise banking privileges, but is authorized to carry the foregoing granted powers into execution, according to the true intent and meaning thereof.</p>
Banking priv- ileges denied.	<p>SEC. 5. <i>Be it further enacted,</i> That said corporation shall have power to borrow money on mortgage or other</p>
May borrow	

money.

security, and to loan out its surplus earnings on similar security or mortgage, and to ordain such rules and regu-



lations with respect to stockholders who refuse to pay up any balance on their stock, as will compel them to pay, upon penalty of forfeiting such stock to said corporation; Provided, That no stockholder shall be liable beyond the amount of his, her, or their stock.

Approved, February 7, 1866.

No. 184.]

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AN ACT

To incorporate the Chattahoochee Manufacturing Company.

SECTION 1. *Be it enacted by the Senate of House of Representatives of the State of Alabama in General Assembly convened,* That James Metcalfe, Elisha Trammell, W. P. Chilton and Lucius Lovelace, together with such other persons as may hereafter be associated with them, and their successors be, and are hereby made and constituted a body corporate, in fact and in name, under the style and title of "The Chattahoochee Manufacturing Company," and by that name shall be, and are hereby made able and capable in law to have, hold, receive, purchase, possess, and enjoy, to them and their successors, all real and personal estate of whatever kind or amount said corporation may deem necessary to carry all the objects of said corporation into full force and effect ; and may sell, grant, or convey, or otherwise dispose of the same; and may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts having competent jurisdiction; to make use and have a common seal, and the same to break, alter and renew at pleasure, and to do all other act incident to a body corporate and politic.

Corporators.

SEC. 2. *Be it further enacted,* That the objects of said corporation shall be for the manufacture of wool and cotton into thread and cloth, the manufacture of meal, flour lumber, shingles, boards and machinery of any description, or such branches or pars thereof as they may see proper to engage in. The place of business shall be a place on the Chattahoochee river, in the county of Chambers, in the State of Alabama, at or in the neighborhood of the mill of Elish Trammell, and to enable the said James Metcalfe, Elisha Trammell, W. P. Chilton and Lu-

Objects of corporation.

cius Lovelace, to carry out the purposes of this charter,

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they and their successors may control the water of the Chattahoochee river, by locks, dams, canals, or otherwise for manufacturing purposes aforesaid, so far as this State and its riparian rights are concerned; and to secure their property against loss by fire and other injuries, may prevent persons from camping or building fires within two hundred yards of the factory buildings.

Number of shares, &c., to prescribe.

SEC. 3. *Be it further enacted*, That the said body corporate shall have the power to prescribe the number of shares into which the capital stock of said corporation shall be divided, the mode in which it shall be taken, paid, transferred or assigned, and also to provide the mode by which stockholders may vote, and the number of votes to which each share shall be entitled; and the rules adopted shall be uniform, equally securing the right of each stockholder, and also to provide for the election of such officers as may be deemed necessary for the government and management of the affairs of said corporation; to ordain, establish and put in execution such by-laws, ordinances and resolutions as they shall deem necessary and expedient for the government of said corporation, not inconsistent with the Constitution and laws of the State of Alabama, or of the United States; and in general to do and to execute, all and singular, the acts, matters and things which may be necessary for manufacturing.

Privileges of stockholders.

SEC. 4. *Be it further enacted*, That if officers are not elected by the stockholders on the day fixed by the by-laws or ordinances, the corporation shall not for that cause be dissolved; and it shall be lawful to hold said election on some other day, according to the by-laws of said corporation.

Non-dissolution of company.

SEC. 5. *Be it further enacted*, That if any person shall sell ardent spirits or intoxicating liquors within one mile of the said factory or mills of said corporation, by the retail or otherwise, such person or persons shall be subject to indictment in the circuit court in the county in which the selling or retailing may be done, and may be liable to all the pains and penalties of the law then in force concerning retailing without license, except for medicinal purposes.

SEC. 6. *Be it further enacted*, That said corporation shall not have banking privileges, but is authorized to carry the foregoing granted powers into execution according

to the true intent and meaning thereof.  
SEC. 7. *Be if further enacted,* That said corporation

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shall have power to borrow money on mortgage or other security, and to loan out its surplus earnings on similar security or mortgage, and to ordain such rules and regulations with respect to stockholders who refuse to pay up any balance on their stock, as will compel them to pay, upon a penalty of forfeiting such stock to said corporation; Provided, that not stockholder shall be liable beyond the amount of his, her, or their stock.

Approved, February 7, 1866.

No. 185.]

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AN ACT

To incorporate the Medical and Surgical Society of the city of Montgomery.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That W. O. Baldwin, J. F. Johnson, T. R. Hill, R. F. Michel, Samuel E. Norton, A. A. Wilson, J. G. Scott, E. A. Semple, W. J. Holt, P. C. Lee, and their associates and successors of the Medical and Surgical Society of Montgomery, be, and are hereby constituted a body corporate, under the name and style of "The Medical and Surgical Society of Montgomery," and by that name and style, may sue and be sued, plead and be impleaded, have, hold, possess, enjoy, sell and purchase lands, tenements, goods and chattels, and may adopt such a constitution and by-laws for the government of the said society, as may not conflict with this act, or with the constitution and laws of the State of Alabama.

Corporators and their priviledges.

SEC. *Be if further enacted,* That the said corporation shall appoint annually, five members of the said society, to examine all applicants for license to practice medicine in the county of Montgomery, and who shall perform the same duties that are required by the existing laws of the medical boards in this State, and shall have the same powers.

Duty of corporators.

SEC. 3. *Be if further enacted,* That the said corporation shall keep a record book in which shall be entered copies of all the licenses that shall be issued by the said board, and that no person shall be permitted to practice medicine for fee or reward, or to receive compensation

Record to be kept.

for attending as a physician in the county of Montgome-

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ry, unless a license shall have ben granted by the said medical board, and upon such evidence of qualification, either by certificate or diploma from some recognized college of medicine, as in the judgment of said board shall entitle him to such license.

Physicians to  
be admitted.

SEC. 4. *Be if further enacted,* That any licensed physician in the county of Montgomery, shall be entitled to admission into the said medical society upon complying with the constitution and by-laws prescribing the terms of admission.

Duty of physi-  
cians in Mont-  
gomery county.

SEC. 5. *Be if further enacted,* That all physicians who have been licensed heretofore, or who shall hereafter be

licensed by any medical board to practice medicine in this State, and who shall come to reside in the count of Montgomery, may within six months from the passage of this act, or from the time of their settlement in said county, cause to be recorded in the record book of said society, the license or diploma under which their said profession is pursued; and if any physician shall fail to do so, he shall not be permitted to recover for any services as a physician, that he may render after the passage of this act, until he shall have complied with this section of this act.

Duty of the  
society.

SEC. 6. *Be if further enacted,* That the said society shall organize a board of healthy, whose duty it shall be to watch over the sanitary condition of the city of Montgomery, and in case of the necessity of any alternation thereof, report the same of the city authorities for their cooperation in controlling any existing causes of disease.

Duration of  
charter.

SEC. 7. *Be if further enacted,* That this act shall remain in force fifty years from its passage, and may be altered, modified or repealed, during that time.

Repeal and  
proviso.

SEC. 8. *Be if further enacted,* That all laws ans parts of laws, conflicting with the provisions of this act, be, and the same are hereby repealed, so far as they conflict with the same; Provided, however, This act shall in no wise affect, or alter the rights of those who may choose to practice medicine under any other than the alopathic system, subject to the restrictions now prescribed by law. Approved, February 8, 1866.

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No. 186.]

AN ACT

To incorporate the Alabama Petroleum and Lamp Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Isaac J. Moses, Abraham J. Moses and John W. Lapsey, their associates and successors, be, and they are hereby created a body corporate, by and under the name and style of "The Alabama Petroleum and Lamp Company," and by that name shall have continual succession for twenty-five years, and may sue and be sued, plead and be impleaded, contract and be contracted with, and do all manner of business, proper and lawful to be done under the powers and privileges vested in said company under this act.

Corporators.

Name.

Limit.

Privileges.

SEC. 2. *Be if further enacted,* That said company shall be, and they are hereby authorized to bore or mine for petroleum, oil, salt, or other minerals, within this State, and for this purpose, may lease or purchase, and own such tract or tracts of land as may be required in their business; and may construct and use such road or roads and ways, and may purchase or construct, and own and use all such machinery, implements and materials and structures, and buildings, as may be needful and convenient in their business, or any part thereof. Said company shall be, and they are hereby authorized and empowered to manufacture, or procure the manufacture, or refining of petroleum oils, and other oils and materials suitable for any purposes of lubrication, or lamination, or painting and other useful purposes, and lamps and lamp fixtures, and appurtenances of all kinds; and may purchase and vend the same in such quantities and at such place or places, as in their judgment will best subserve the convenience of the public desiring supplies of said articles and materials, and at places from whence they can be most conveniently distributed.

Authority of company.

SEC. 3. *Be if further enacted,* That [the] capital stock of said company shall be, and the same is hereby fixed at one hundred thousand dollars, to be divided into shares of one hundred dollars each, but the capital stock may be increased at the option of said company to such

Capital stock.



amount as the company may deem proper, not exceeding the sum of six hundred thousand dollars.

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SEC. 4. *Be it further enacted,* That said company shall have power to elect a board of directors, to consist of such number of stockholder as those composing the company or a majority of them in interest may deem proper, and to elect a president and such other officer or officers as they may deem proper, and to determine and define their duties and qualifications and responsibilities, and may require such bond and security of any officers as they may prescribe, with proper and lawful conditions, to secure the fidelity of such officer or officers, and may define the powers and duties of their board of directors, and of all agents of the company, the said company being hereby empowered to appoint such agent or agents as may be deemed necessary or useful in their business, and may make all such by-laws and regulations for the government of the company and management of their affairs as the company shall deem needful and proper, not inconsistent with the constitution and laws of this State, and the United States, and may have and use and alter at pleasure, a corporate seal, and in the determination and decision of any act or measure relating to the business and affairs of the company, and in elections to be held by the company each stockholder shall be entitled to one vote for every share of stock owned; and it shall require a representation by the stockholders in person or by proxy, duly appointed in writing, to constitute a quorum for the transaction of business to bind the company. The president and directors to be chosen by said company, shall hold their offices for one year from the time of their election, and until the election of their successors; and in the absence of any by-law of the company regulating such matters, the directors shall have power to fill from the stockholders all vacancies which may occur in their body, or in the office of president, and the latter officer shall be a member of the board of directors. It shall require a majority of the directors to constitute a quorum to transact business to be binding on the company.

President, directors and officers, and their powers and duties.

Agents.

By-laws.

Votes.

Quorum.

Term of office.

Vacancies.

Approved, February 8, 1865

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No. 186.] AN ACT

To amend the Charter of the City of Tuscaloosa.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter, in all cases of default in the payment of any fine or forfeiture, assessed against any person by any authority of the city of Tuscaloosa, or by virtue of any by-law or ordinance of said city, the mayor or other officer presiding, shall have the right and power to require the party thus being in default, to perform labor on the public streets or such other works of said city as the mayor or officers presiding may direct, for a term not exceeding sixty days, at the discretion of the mayor or officer presiding at such trail. Or, the mayor or officer presiding may commit the party in default to the guard house or fail of the county, for a period not exceeding sixty days.

Defaulters may be required to work on streets &c.

May be committed to jail, &c.

Approved, February 5, 1866.

No. 187.] AN ACT

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To revise the act incorporating the town of Pickensville.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That he act entitled "An act to amend an act incorporating the town of Pickensville in Pickens county," approved January 10<sup>th</sup>, 1844, and all acts amendatory of said act, be and the same are hereby revived and declared to be in full force.

Certain acts revived.

Approved, February 5, 1866.

No. 188.] AN ACT

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To amend an act entitled "An act to incorporate the Central City Insurance Company," approved Nov. 28<sup>th</sup> 1863.

SECTION 1. *Be it enacted by the Senate and House of*



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*Representatives of the State of Alabama in General Assembly convened*, That an act entitled “an act to incorporate the Central City Insurance Company,” approved Nov. 28<sup>th</sup>, 1863, be, and the same is hereby amended as follows: by striking out the words “Confederate States,” where they occur in the first and sixty sections of said act, and by inserting in lieu thereof, the words “United States”

Amendment.

Approved, February 5, 1866.

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No. 189.]

AN ACT

To amend an act entitled “an act to incorporate a Company to build a Bridge across the Warrior river, opposite the city of Tuscaloosa,” approved Jan’y 2d, 1833.

Preamble.

Whereas, as the bridge built under authority of the above recited act was burned during the late war, by the federal forces under Brigadier General Croxton; and whereas, by virtue of said authority, did purchase of the then owner the ferry, near the sit of the bridge, for the sum of two thousand dollars:

Amendment.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the above recited act be amended by additional sections, numbered and worded as follows, which additional sections shall for all purposes be deemed and held as a part of the original act, to the same extent and in the same manner as if the same had been incorporated therein at the time of its passage:

Ferry authorized.

SEC. 11. *Be if further enacted*, That said corporation shall be authorized to establish and keep a ferry across the Warrior river, at the sites or landings used by Reuben Dodson, at the time of his sale to said corporation, then the said ferry generally known as Dyer’s old ferry, and to

Tolls.

charge tolls at the rates fixed by the seventh section of this act; Provided, said corporation shall be required to keep up the ferry only at such times as the crossing of the bridge shall be impracticable or unsafe; and provided, further, That nothing herein contained shall be so construed as to prohibit or restrict the court of county commissioners from the establishment of as many ferries op-

Proviso.

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posite the town of Tuscaloosa, as now regulated by law, as the public convenience may required.

SEC. 12. *Be if further enacted,* That if the said bridge company shall not within three years from the passage of this act in good faith commence the rebuilding of said bridge, and complete the same within five years from said date, the franchise hereby granted shall cease.

Forfeiture of franchise.

SEC. 13. *Be if further enacted,* That when said bridge is rebuilt as provided by the preceding section, said bridge company shall be required to keep up the bridges across the ravines on the road now leading from the north and of the bridge to Main street in the town of North Port; Provided, that for that purpose the court of county commisisoners shall authorize said company to charge such reasonable additional tolls at the Main bridge as may be just and proper; and provided, further, That no increase of tolls shall be allowed on foot passengers.

Required to keep.

Bridges over ravines.

Approved, February 3, 1866.

No. 190.]

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AN ACT

To incorporate the Tuscaloosa Scientific and Art Association for the purpose of encouraging science and art, and aiding the University of the State in replacing its library and establishing a scientific museum.

SECTION 1. *Be it enacted by the Senate and Houes of Representatives of the State of Alabama in General Assembly convened,* That Hampton S. Whitfield and William H. Fowler, and their associates and successors, be and they are hereby created a body corporate of the name and style of the Tuscaloosa Scientific and Art Association, for the purpose of the encouragement of art and science in the distribution of works of art, and to aid the university of Alabama in replacing its library and establishing a scientific museum.

Corporators.

Name and purpose.

SEC. 2. *Be if further enacted,* That the said corporation shall have the power to purchase and hold, sell, transfer and convey such real and personal property as may be necessary for its purposes, to make contracts, and to sue and be sued in any court of law or equity in the State, by its corporate name, and may have and use a

Privileges.

common seal, which can be altered or abolished at pleasure.

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Capital stock and its incidents.	SEC. 3. <i>Be if further enacted,</i> That the capital stock of said corporation shall be ten thousand dollars, and may be increased to fifty thousand dollars if the business of the corporation shall justify such increase, and the same shall be divided into shares of one hundred dollars, to be called in at such times and in such amounts as the corporation may upon due notice give and direct, and may be transferred by assignment on the books of the corporation, and each share shall entitle the owner thereof to one vote in the business direction of the corporation, in person or by proxy, in accordance with the by-laws of said corporation, and each stockholder shall be individually liable to the creditors and beneficiaries of the corporation to the extent of his or her stock.
Books of subscription.	SEC. 4. <i>Be if further enacted,</i> That books of subscription to the capital stock of said corporation shall be opened by the corporators above named at a convenient time and place, to be fixed by them after ten days' notice thereof, and when the sum of ten thousand dollars is subscribed, said books may be closed, and the corporation may thereupon organize itself by the election of a president, vice president, secretary and treasurer, who shall hold their office for one year, and until their successors are elected, and the said officers shall constitute the board of directors of said corporation, and shall manage and control its business under such restrictions, resolutions and by-laws as the stockholders may make.
Organization.	
Term of office.	
Directors.	SEC. 5. <i>Be if further enacted,</i> That the stockholders shall hold annual meetings at such time and place as they may determine, and may have called meetings upon due notice given by the president or three stockholders as the by-laws may direct, and at said annual meetings the officers of the corporation shall be elected, and a record of the proceedings of all meetings shall be kept, subject to the inspection of every stockholder; and if any stockholder shall fail to pay his stock upon call as herein provided, he may be sued for the same in any court having jurisdiction.
Annual and called meetings.	
Remedy against defaulter.	
Powers of corporation.	SEC. 6. <i>Be if further enacted,</i> That the said corporation shall have the power to receive subscriptions and to sell and dispose of certificates of subscription, which shall entitle the holders thereof to any articles that may be awarded the them; and the distribution of awards shall
Distribution	



of awards.

be fairly made in public, after advertisement, by the casting of lots, or by lot, chance, or otherwise, in such man-

ner as shall be directed by the by-laws of said corporation, and shall be made at its office at Tuscaloosa, or at any other convenient place in the State that may be selected by the corporation, and the said distribution of awards may be made at any time and as often as the corporation may deem necessary; Provided, That before any distribution is made, they shall advertise in a newspaper or by some other method a list of all the articles to be awarded at the distribution, and the vale of each, and all in money, annexed; and the said corporation shall have the power to offer premiums or prized, in money, to the best essays on science and art, written by citizens of Alabama, or to the most deserving works of art executed by citizens of Alabama, or to the most useful inventions in mechanics, science or art made by citizens of Alabama.

Proviso.

Premiums for essays.

SEC. 7. *Be if further enacted,* That the articles to be distributed or awarded may consist of books, paintings, statues, antiques, scientific instruments or apparatus any other property or thing that may be ornamental, valuable or useful, and, to prevent fraud or unfair speculation, any holder of a certificate, if he has cause to believe that the article or premium awarded to him is not worth the value annexed to it in the published list, may have the same appraised by two or more disinterested persons, and if it be decided by them that the article in question is not worth its annexed value as published, they shall appraise the same at a fair market value, and then the holder of said certificate, instead of the article in question, may demand its annexed value in money, or he may demand the article and so much money in addition thereto as will equalize its appraised value with its published value in the list, and he may enforce his right herein, if contested, by motion after ten days notice for judgment and ten per cent. damages against the corporation in any court having jurisdiction.

Articles to be distributed.

Prevention of fraud.

Remedy and damages.

SEC. 8. *Be if further enacted,* That an account of the net proceeds, of the business be kept in suitable books, and that a dividend of not more than fifteen per cent. of which shall be paid over to the stockholders and the balance into the treasury of the University in annual payment, and that the board of trustees of the University shall have the power to appoint at each annual meeting a committe of three of its members to inspect the said

Books and dividends.

Inspectors.

books and report to the said meeting.

SEC. 9. *Be it further enacted*, That if the said cor-

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Remedy and penalty for default.	poration shall fail to pay over the treasurer of the University, upon demand, any money due by the provisions of the preceding clause, the board of trustees of the University may at the next ensuing term of the circuit court of Tuscaloosa county enter a motion after ten days' notice, for judgement for the amount due and ten per cent. damages against the corporation.
Term of charter.	SEC. 10. <i>Be if further enacted,</i> That this act of incorporation shall continue and be in force for the space of twenty-five years for the date of its passage, and that all laws and parts of laws in conflict with its provisions,
Repeal.	be <i>pro tanto</i> repealed. Approved, February 3, 1866.

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No. 191.]                      AN ACT

To incorporate the Central Mining and Petroleum Company.

Corporators.	SECTION 1. <i>Be it enacted by the Sentate and House of Representatives of the State of Alabama in General Assembly convened,</i> That W. P. Chilton, E. Hall Covell, Isaac J. Moses, A. Edwards, Jack Torington, and Wm. H. Covell, and such other persons as may be associated with them and their successors, be, and they are hereby made and constituted a body corporate, under the name and style of "The Central Mining and Petroleum Company," and by that name they shall be capable in law to hold, purchase, receive, possess, and enjoy to them and their successor, real and personal property, to any amount they may deem useful in carrying all the objects of said corporation into full force and effect, which objects are to bore or mine for rock-oil, or petroleum, and the purchase, leasing, development, and working of oil lands in fee simple, or under lease, the purchase or leasing, development or sinking and working of oil wells, and the sale and disposition of such lands, leases and wells, and the sale and disposition of such lands, leases and sells; and also, to mine coal, iron, copper, and other minerals, and to transport and sell said petroleum mineral and metals, in a crude or prepared state, and the same to prepare for market in any manner they may deem most advantageous
Objects of corporation.	

and by that name to sue and be sued, plead and be im-  
pleaded, answer and be answered, defend and be defended

in all courts having jurisdiction , and the corporation shall have power to make, use and have a common seal, and to break, alter and renew the same at pleasure: Provided, however, That said corporation shall be organized in accordance with the provisions of this charter, within three years from the date of the approval of this act.

SEC. 2. *Be it further enacted,* That the capital stock of said company or corporation shall be two hundred thousand dollars, and the number of shares shall be eight thousand of twenty-five dollars each, and the said incorporation may increase the amount of capital stock to an amount equal to the value of its assets and number of shares to represent such increase; Provided, nevertheless, That the rules adopted, shall be uniform, equally securing the rights of each stockholder.

Amount of capital stock.

SEC. 3. *Be it further enacted,* That the stockholders of said corporation shall have power to elect a board of directors, who shall elect such officers as they deem necessary to conduct and manage the affairs of said corporation, and by a vote of the majority of the directors or of the stockholders, to make such by-laws , and pass such resolutions, and the same to put into execution, as they may judge expedient , for the interest of said corporation, not being inconsistent with the constitution of this State, nor of the United States.

Privileges of directors &c.

SEC. 4. *Be it further enacted,* That if the officers be not elected on the day appointed by the by-laws , the corporation shall not for that cause be dissolved , but those in office shall hold until their successors shall have been elected.

Company no dissolved for delinquency.

SEC. 5. *Be it further enacted,* That the said corporation have the right to construct railways or other roads, from their mines or other places of operation, to such point or points as may be most convenient and practicable to establish direct communication with any public railroad or navigable river, and it shall be entitled to acquire the right of way for main roads, and the necessary turnouts, and such lands, as may be necessary for depots and in acquiring the right of way for main roads, and the necessary turnouts, and the lands for depots, the corporation shall in all such cases make just compensation to the owner or owners of such lands, before acquiring any right to the same; and that said corporation may levy and collect fare, freight and tolls for the use of such

Privileges of company.

road constructed by it.

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Authority to  
erect dams, &c.

Responsibility  
to creditor.

SEC. 6. *Be it further enacted*, That in order to facilitate the operations of said incorporation, that it is hereby invested with the right to erect dams and construct such works on water courses, as they may deem necessary to the propelling of machinery required to facilitate and carry on successfully the operations of said corporation.

SEC. 7. *Be it further enacted*, That said corporation shall be responsible to its creditor to the extent of its property and the stockholders to the extent of the amount of their respective stock not paid.

Approved, February 3, 1866.

No. 192.]

AN ACT

To incorporate the Stonewall Insurance Company.

Corporator.

Name.

Purpose

General powers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That A. J. Ingersol, Samuel Wolff, S. S. Webb, William Flash, R. H. Slough, C. W. Butt, Jno. D. Ragland, P. Conley, L. Durand, E. A. Tracey, John Billups, James A. Wemyss, L. T. Woodruff, Wm. H. Moffet, Jno. T. Taylor, Hulcum Hudson, and Price Williams, of the city of Mobile, and such others as may become stockholders in this company, and their successors, be, and they are hereby made a body politic and corporate under the name and style of "The Stonewall Insurance Company," for the purpose of conducting and doing a general insurance business in the city of Mobile.

SEC. 2. *Be it further enacted*, That said company shall have power in its corporate name, to sue and be sued, to have a common seal, and to alter the same at pleasure; to hold, purchase, convey, and dispose of all kinds of estate, real and personal; to receive, accept, constitute and appoint agencies at their pleasure, and to appoint such subordinate officers, clerks and employees, as in the opinion of its president and directors, may be necessary to its business; to prescribe their duties, and fix their compensation; to make by-laws for the government of of the company, not inconsistent with the laws of this State and of the United States; to provide for the transfer of its stock, the management of its property and affairs, and to alter and amend such by-laws and regula-



tions at pleasure; to make notes and draw bills; to discount bills of exchange and promissory notes, or buy and sell the same, and to endorse and transfer its bills receivable; to buy and sell gold and silver coin or bullion; to receive deposit on trust; to borrow money; to loan its surplus funds on any public stock of incorporated companies or obligations of this State, or of the United States; and generally to do all things necessary to carry into effect the express powers here granted, and that usually pertain to a general insurance business.

SEC. 3. *Be it further enacted*, That the business of said company shall be, and they are hereby empowered to make insurance upon houses, cotton, corn and other produce; upon lives and health, of both white and colored persons; upon vessels, freights, steamboats, ships and all kind of vessels and water crafts , and all sorts of goods and merchandise; money, gold , silver , bullion and foreign coin, and all other species of property , against loss or damage by fire, water , dangers of the seas or rivers and all other casualties and risks; and to make such insurances upon such terms, and compensation , as they may think proper.

Business of company

SEC. 4. *Be it further enacted*, That the capital stock of said company shall be one hundred and fifty thousand dollars, and may be increased from time to time to any amount not exceeding four hundred thousand dollars, to be divided into shares of one hundred dollars each, to be subscribed and paid, or secured as hereafter provided.

Capital stock.

SEC. 5. *Be it further enacted*, That each subscriber to the stock of said company, shall at the time of subscribing, pay into the company fifteen per cent. upon the amount subscribed by him, and for the residue of his subscription, shall execute his promissory note, payable to said company on demand, without interest, with such securities thereunto, as may be required by said commissioners, and each of said notes shall state that it is given for stock subscribed for in said company, and subject to the conditions provided in the charter, regarding stock notes. The money so paid, and the notes so executed, shall constitute the capital stock of said company, and the notes so executed shall be delivered by the commissioners receiving them to the secretary of the company as soon as may be after said secretary is elected and qualified. No payment shall be required to be made on said notes, unless and until

Manner of payment for stock.

What constitutes capital stock.

Conditions

such payment may be required by losses sustained or ex-

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penses incurred by the company, and may be ordered and called for by a vote and resolution of the board of directors of said company. Whenever the losses or expenses of the company shall exceed its profits so as to make a

Galls of pay-payment on said notes necessary, it shall be the duty of the president and directors of the company, and they shall have the power to cause a call of such payment to be made, from time to time, as may be necessary, and the sum so required and called for, shall be assessed and apportioned rateably upon the stockholders. Reasonable notice of every such call shall be given to each stockholder, in such manner as may be prescribed by the by-laws of said company, or in the absence of any such by-laws, as may be prescribed by resolution of the board of

Notice. president and directors making such call. If any stockholder shall fail to make payment of the amount so assessed against him for ten days after such notice thereof, the whole amount due on his note, with interest thereon, from the time of the call, shall be due and payable, and judgment may be had thereon, before any of the courts of this State, by motion and five days notice thereof, duly served on him, or may be sued in the regular mode now prescribed by law, for the collection of other debts.

Results of default. Every payment made as provided for shall be credited on said note, until the note is wholly paid. No stockholder shall be liable for the losses, debts or liabilities of the company otherwise or beyond the amount of the note given by him for his stock as above provided.

Amount of liability. SEC. 6. *Be it further enacted*, That the said corporation or a majority of them, may and shall cause books of subscription to be opened under their supervision, or the supervision of such of them as may be elected as commissioners for this purpose, at such time and place or places as they may think proper in the city of Mobile for subscription to the capital stock of said company, and such books of subscription shall be kept open until the sum of at least one hundred and fifty thousand dollars shall be subscribed and the terms of the subscription complied with. And the said corporators, or a majority of them, who shall open books as aforesaid, shall judge of the solvency or sufficiency of the securities offered to the note given for stock and accept or reject the same. And as soon as the said sum of one hundred and fifty thousand dollars shall be subscribed, and the cash and

notes paid in and secured as above provided, said company may organize and commence business.

SEC. 7. *Be it further enacted*, That the affairs of the company shall be conducted by a board of thirteen directors to be chosen by the stockholders, who shall hold their office for one year or until their successors are elected; and the directors so elected shall choose one of their number president of the company. No person shall be elected a director unless he is a stockholder in said company. In all elections each stockholder shall be entitled to one vote for each share of stock held by him.

SEC. 8. *Be it further enacted*, That the president and directors may elect a secretary of the company and all other necessary officers and clerks, prescribe their duties, fix the salaries and require from them such bonds and security as they may think proper, and may remove such secretaries, officers, or clerks at their pleasure.

SEC. 9. *Be it further enacted*, That the office of the company and its chief place of business shall be in the city of Mobile, and may establish agencies or branches of its business at such other places as they may think proper.

SEC. 10. *Be it further enacted*, That as soon as it may conveniently be done, after the subscription of one hundred and fifty thousand dollars shall be made, and the stock secured as aforesaid, a general meeting of the stockholders shall be called by the persons named as incorporators or a majority of them, at such time and place in the city of Mobile as they may appoint, for the purpose of electing directors and the permanent organization of the company. Reasonable notice of the time and place of such meeting shall be given by advertisement in one or more newspapers published in said city; and until such president and directors shall be elected and qualified as aforesaid, the above named incorporators or a majority of them, shall manage and conduct the business of the company.

SEC. 11. *Be it further enacted*, That an annual meeting of the stockholders of said company shall be held in the city of Mobile each year, at which meeting a report shall be made to the meeting by the president and directors of the transactions of the company for the preceding year, and of the condition of the company, and an election shall be held for directors of the company for

When to organize.

President and directors.

Officers.

Place of business.

General meeting

Notice.

Managers

Annual meeting.

Reports.

Election

the ensuing year, but any general meeting of the stock-

General meet- ing.	holders may, by resolution, appoint a different time for holding the next general meeting of the stockholders. The president and directors may for a special purpose call a general meeting of the stockholders at such other times as they may think proper. At any general meeting of the stockholders the president of the company, or in his absence one of the directors shall act as a temporary president of the meeting until the meeting shall elect a permanent president, and the secretary of the company, or in his absence such person as the president shall appoint, shall act as temporary secretary of the meeting until the meeting shall elect a permanent secretary. Upon all questions raised and voted on, at the general meeting of the stockholders, any stockholder may
Manner of voting.	require voting by stock, and thereupon each member shall be entitled to one vote for each share of stock owned or represented by him. Otherwise each stockholder present shall be entitled to only one vote. At such general meetings, stockholders may vote by proxy or agent for another, unless he is himself a stockholder in said company. The meeting shall judge of the genuineness and sufficiency of any proxy presented or claimed. That the directors shall be elected for one year, and until their successors are qualified , and a plurality of the votes shall elect.
Term of office.	SEC. 12. <i>Be it further enacted</i> , That the directors elected at any general meeting of the stockholders , shall continue in office until their successors are elected, or they forfeit their office. A person elected as director shall
Forfeiture of.	forfeit his office and cease to be a director by his ceasing to be a stockholder of the company, or by his absenting himself from the city of Mobile for more than four months at a time without the consent of the president and directors. The president and directors may fill vacancies occurring in their own body by death, resignation, or forfeiture.
Vacancies.	SEC. 13. <i>Be it further enacted</i> , That the president and directors of the company may prescribe the manner and form in which certificates of stock in the company shall be issued , and the manner and form in which such stock is transferred; and the company shall have a lien on the
Issue and trans- fer of stock.	stock of each stockholder for any debt or liability of such stockholder of the company , and may refuse to allow the
Lien.	

side or transfer of such stock until such debt or liability is discharged.

SEC. 14. *Be it further enacted,* That in the months of January and July of each year, the president and directors of the company shall make, or cause to be made by the proper officers of the company, an estimate of the profits and losses of the company and also a statement of all cash paid into the company for or on account of premiums for the preceding six months and by whom paid which statements shall be verified by affidavit and filed with the papers of the company for the examination and information of all parties interested. And if it shall appear from such statement that the profits of the company do not exceed its losses and expenses by more than ten thousand dollars, the president and directors shall make no dividend to the stockholders and shall not award any return premium to the insurers but such excess of profits shall be kept by the company as a reserve fund to meet future losses or liabilities. But if it shall appear from such statements that the profits of the company exceed its losses and expenses by more than ten thousand dollars, then the president and directors shall reserve and set apart a proportion thereof, not more than one-half of such excess, as they may think proper, to be kept by the company as a reserve fund, and the residue of such excess shall be ratably apportioned and divided between the several stockholders and insurers according to the amount of stock held by each stockholder, and the amount of premiums paid by each insurer, and shall order the proper per centage to be paid to the several insurers as returned premiums; and the dividends awarded to the stockholders shall be entered as a credit on their stock notes respectively, until the said notes are fully paid; but if any stockholder has paid his stock note in full, his dividend shall be paid in money.

Estimate of profits and losses, and statement.

Reserved fund.

Dividends.

SEC. 15. *Be it further enacted,* That any subscriber to the stock of said company may, at the time of his subscription, pay in cash all or any part of the amount subscribed for by him, not less than fifteen per cent. on the whole amount, and any stockholder may, after subscription, pay up the whole or any part of the stock not given by him. If the profits of the company exceed its losses and expenses, the company shall allow and pay the stockholders who have paid money to the company on

May pay in cash not less than 15 percent

When interest

account of their subscriptions , interest on the amount so is allowed.



Disposition of interest fund.	paid in by them respectively from the time of such payments, at the rate of eight per centum per annum. This payment of interest shall be considered a part of the expenses of the company in making the semi-annual estimates and statements for the purpose of declaring dividends and return premiums as herein provided.
Renewals and securities.	SEC. 16. <i>Be it further enacted</i> , That the president and directors may at any time require a note given for stock to be renewed or further, or other security to be given, and they shall require such renewal before a recovery on any such note is barred by the statute of limitations; and if a party fail to renew such note within ten days after notice, the whole amount due on such note shall be payable, and it may be put in suit; and if execution be returned not made as to any part thereof, the president and directors shall by resolution recall and annul his certificate, and reduce his stock to the amount actually paid in by him.
Results of default.	SEC. 17. <i>Be it further enacted</i> , That the said company may use its money, whether arising from capital or earnings in lending out the same at lawful interest on such security as it may think proper, or in discounting or purchasing promissory notes or bills of exchange.
How use its money.	SEC. 18. <i>Be it further enacted</i> , That the corporate authority hereby granted shall be forfeited unless the company hereby authorized to be formed is actually formed and organized within one year from the passage of this act; and when organized the said company may continue for twenty years from the passage of this act The company hereby created shall be subject to such general laws as are now in force, or may be hereafter enacted in regard to similar corporations.
Forfeiture and limitation of charter.	SEC. 19. <i>Be it further enacted</i> , That all laws and parts of laws contrary to the provisions of this act, be and they are hereby repealed; Provided, That nothing in said charter shall be so construed as to confer upon the incorporators, their associates or successors, banking privileges to issue notes to be circulated as money, or other banking privileges not conferred upon similar charters.
Repeal.	
Proviso.	Approved, February 10, 1866.

No. 193.]

AN ACT

To incorporate the Mobile Mutual Insurance Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Henry A. Schroeder, William J. Ledyard, Samuel G. Battle, William A. Smith, Thomas S. King, Andrew J. Ingersoll, Dominick O. Grady, Jonathan Emanuel, Reinhold Westfeldt, Benjamin F. Marshall, William Barnwell, Jr., Francis B. Clarke, Robert D. Moffett, John D. Fowler and N. Harleston Brown, of the city of Mobile , and their associates and successors be , and they are hereby made and constituted a body politic and corporate, by the name of the “Mobile Mutual Insurance Company,” and by that name may have and use a common seal, sue and be sued, implead and be impleaded, acquire and hold or dispose of, such real estate or other property as may be necessary for the proper transaction of its business, and may make such by-laws, rules and regulations for the transaction of its business as are not inconsistent with the Constitution and laws of the United States, or of this State, or the provisions of this act.

Corporators.

Name and privileges.

SEC. 2. *Be it further enacted,* That the objects and purposes for which this corporation is created, are to make and effect insurance upon houses, ships , steamboats goods, wares, merchandise, and property of every description , against loss or injury, by fire, water, tempest or other casualties; and the said company shall have full power to make such insurance upon such terms as they may think proper.

Objects and powers of corporation.

SEC. 3. *Be it further enacted,* That the capital stock of said company shall be at least one hundred thousand dollars, and may be increased from time to time to any amount not exceeding five hundred thousand dollars to be divided into shares of one hundred dollars each to be subscribed for and paid or secured as hereinafter provided.

Capital stock.

SEC. 4. *Be it further enacted,* That the corporators named in the first section of this act, or a majority of them, may and shall within three months from the passage of this act cause books of subscription to be opened under their supervision, or the supervision of such of them as they may select as commissioners for that purpose, at such time or times and at such place or places as they may think

Books of Subscription

proper, in the city of Mobile, for subscription to the capital

Amount.	stock of the said company, and the said books of subscription shall be kept open until the sum of at least one hundred thousand dollars has been subscribed for, and after that amount has been subscribed for, the said corporation may keep the said books of subscription open for further subscription, not exceeding, in the whole, the sum of five hundred thousand dollars, for such length of time as they may think proper.
Payment in cash and notes.	SEC. 5. <i>Be it further enacted</i> , That each and every subscriber to the stock of said company shall at the time of subscription pay to the person or persons receiving the subscriptions for the company, ten per cent. upon the amount subscribed for by him, and for the residue of the amount subscribed shall execute his promissory note payable to the said company, on demand, without interest, with such securities thereto as may be required by said commissioners; and each such note shall state that it is given for stock subscribed for in said company, and subject to the conditions provided in the charter of the company in regard to stock notes. The money so paid and the notes so executed shall constitute the capital stock of said company, and the notes so executed shall be delivered by the commissioners receiving them to the secretary of the said company, as soon as conveniently may be after such secretary has been elected and qualified. No
When payment required.	less and until such payment may be required by losses sustained or expenses incurred by the company, and may be ordered or called for by a vote or resolution of the president and directors of said company. Whenever the losses and expenses of the company shall exceed its profits so as to make a payment upon said notes necessary to discharge the liabilities of the company, it shall be the duty of the president and directors of the company, and they shall have the power to cause a call for such payment to be made from time to time, as may be necessary; and the sum so required and called for shall be assessed
Notice.	and apportioned ratably upon the stockholders. Reasonable notice of every such call shall be given to each stockholder, in such manner as may be prescribed by the by-laws or regulations of the company or in the absence of any such by-laws or regulations, as may be prescribed by the vote or resolution of the President and directors making the call. If any stockholder shall fail to make

payment of the amount so assessed against him for ten

days after such notice thereof, the whole amount due on his note, with interest thereon from the time of the call, shall be due and payable, and may be sued therefor. Every payment so made shall be credited on the proper note, until the note is wholly paid. No stockholder shall be personally liable for the debts, losses or liabilities of the company beyond the amount of the note given by him.

SEC. 6. *Be it further enacted*, That the business and affairs of the company shall be managed by fifteen directors, elected by the stockholders, and the directors so elected shall choose one of their number to be president of the company. No person shall be elected as a director unless he is at the time of his election a stockholder in said company. At every election of directors such stockholder shall be entitled to one vote for each and every share of such stock held by him.

SEC. 7. *Be it further enacted*, That the president and directors shall elect a secretary for the said company, and may elect or appoint such other officers and agents as they may think necessary for the proper management of its affairs, and may prescribe the duties and fix the salaries of the secretary and such other officers and agents, and may require such of them as they think proper to execute such bond, with security, for the faithful discharge of their official duties respectively, in such sum or sums, and in such form as they may prescribe or approve.

SEC. 8. *Be it further enacted*, That the said company shall be located and have its principal office or place of business in the city of Mobile, and may establish agencies or branches in such other places as they may think proper.

SEC. 9. *Be it further enacted*, That the persons named as corporators in the first section of this act shall be first directors of the said company and shall continue to act as such until a new board of directors shall be elected by a general meeting of the stockholders; Provided, That if any of the said persons so named shall fail or refuse to subscribe for stock in the said company within three days after the books of subscription to said stock are opened, he shall cease to be a director, and the others named who do so subscribe shall alone be directors. As soon as conveniently may be done, after the books of subscription to the stock of said company are closed, a general meeting of the subscribers shall be called by the persons named as corporators in the first section of this act, or a majority

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Forfeiture.

Liability

President and directors.

Other officers.

Places of business.

First directors.

Proviso.

Proviso.

General meeting

of them, at such time and place in the city of Mobile as they may appoint, for the purpose of electing directors of

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Notice.	said company, and reasonable notice of the time and place of such meeting shall be given by advertisement in one or more newspapers published in the city of Mobile, and at such meeting the subscribers to the stock shall
Election. Manner of voting.	elect fifteen directors of the company. Each stockholder shall have one vote for each share of stock held by him, and may vote for fifteen or any less number of persons as directors, and a plurality of votes cast shall elect.
Annual meeting.	SEC. 10. <i>Be it further enacted</i> , That an annual meeting of the stockholders of said company shall be held at the office of said company in the city of Mobile, on the second Monday in June of each year, at which meeting a
Report.	report shall be made to te meeting by the president and directors of the company of the transactions of the company for the preceding year and of the condition of the company, and an election shall be held for directors of the company for the ensuing year, but any general meeting of the stockholders may be resolution appoint a different time for holding the next general meeting of the stockholders. The president and directors may for special purposes call a general meeting of the stockholders at such other times as they may think proper. At every general meeting of the stockholders, the president of the company, or in his absence one of the directors, shall act as temporary president of the meeting until the meeting has elected a permanent president and the secretary of the company, or in his absence such person as the presiding officer shall appoint, shall act as temporary secretary of the meeting until the meeting shall elect a permanent secretary. Upon all questions raised or voted on at a general meeting of the stockholders any stockholders present may require a vote by stock, and thereupon each member shall be entitled to one vote for each share of stock owned or represented by him, otherwise each stockholder present shall be entitled to only one vote. At such general meetings stockholders may vote by proxy or agent, but no person shall be admitted to vote as proxy or agent for another unless he is himself a stockholder in the company. The meeting shall judge of and determine the genuineness and sufficiency of any proxy presented or claimed.
Discretionary powers.	
Business at general meetings and its manner.	
Proxies.	
Term of office.	SEC. 11. <i>Be it further enacted</i> , That the directors elected at any general meeting of the stockholders shall continue in office until their successors are elected, or they



forfeit their office. A person elected as director shall for-

felt his office and cease to be a director by his ceasing to be a stockholder of the company, or by his absenting himself from the city of Mobile for more than four months at one time without the consent of the president and directors. The president and directors may fill vacancies occurring in their own body by death, resignation or forfeiture.

SEC. 12. *Be it further enacted*, That the president and directors of the company may prescribe the manner and form in which certificates of stock in the company shall be issued, and the manner and form in which said stock is transferred; and the company shall have a lien on the stock of each stockholder for any debt or liability of such stockholder to the company, and may refuse to allow the sale or transfer of such stock, until such debt or liability is discharged.

SEC. 13. *Be it further enacted*, That in the month of June of each year, the president and directors of the company shall make, or cause to be made, by the proper officer of the company, an estimate of the profits and losses of the company, and also a statement of all cash paid into the company for and on account of premiums for the preceding twelve months, and by whom paid; which statement shall be verified by affidavit and filed with the papers of the company for the examination and information of all parties interested. And if it shall appear from such statements that the profits of the company do not exceed its losses and expenses by more than ten thousand dollars, the president and directors shall make no dividend to the stockholders, and they shall not award any return premiums to the insurers: but such excess of profits shall be kept by the company as a reserved fund to meet future losses or liabilities. But if it shall appear from such statements, that the profits of the company exceed its losses and expenses, by more than ten thousand dollars, then the president and directors shall reserve and set apart a portion thereof, not less than ten thousand dollars, nor more than one half of such excess, as they may think proper to be kept by the company as a reserved fund; and the residue of such excess shall be rateably apportioned and divided between the several stockholders and insurers according to the amount of stock held by each stockholder, and the amount of premiums paid by each insurer, and shall order the proper per-centage to be

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Forfeiture of office.

Vacancies.

Certificates of stock.

Liens.

Estimates, &c. Statements

Reserved fund.

Dividends and premiums

paid to the several insurers as return premiums, and the

Cash paym'ts.	dividends awarded to the stockholders shall be entered as a credit on their stock-notes respectively , until the said notes are fully paid. But if any stockholder has paid his stock-note in full, his dividend shall be paid in money.
Interest, when paid and its disposition	SEC. 14. <i>Be it further enacted</i> , That any subscriber to the stock of said company, may at the time of his subscription, pay in cash all or any part of the amount subscribed for by him, not less than ten per cent. on the whole amount; and any stockholder may, after subscription , pay up the whole or any part of the stock-note given by him. If the profits of the company exceed its losses and expenses, the company shall allow and pay to the stockholders, who have paid money to the company on account of their subscriptions, interest on the amount so paid in by them, respectively, from the times of such payments, at the rate of eight per centum per annum. This payment of interest shall be considered part of the expenses of the company in making their semi-annual estimates and statements, for the purpose of declaring dividends and return premiums, as herein provided.
Renewal of stock notes.	SEC. 15. <i>Be it further enacted</i> , That the president and directors may at any time, require a note given for stock to be renewed, or further or other security to be given; and they shall require such renewal before a recovery on any such note is barred by the statute of limitations, and if a party fails to renew such note within ten days after notice, the whole amount due on such note shall be payable, and it may be put in suit.
Power in using money.	SEC. 16. <i>Be it further enacted</i> , That the said company may use its money, whether arising from capital on earnings , in lending out the same at lawful interest, on such security as it may think proper, or in discounting or purchasing promissory notes or bills of exchange.
Forfeiture of thorty charter.	SEC. 17. <i>Be it further enacted</i> , That the corporate authority hereby granted , unless the company hereby authorized to be formed, is actually formed and organized within one year from the passage of this act, and when organized , the said company may continue for twenty years from the passage of this act. This company hereby created shall be subject to such general laws as are now in force, or may be hereafter enacted in regard to similar corporations.
Limitations.	SEC. 18. <i>Be it further enacted</i> , That all laws and parts of laws contrary to the provisions of this at, be and they
Repeal.	

are hereby repealed.  
Approved, February 6, 1866

No. 194.]

AN ACT

To incorporate the Georgia and Alabama Coal Oil and Manufacturing Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That James Noble, Jr., Chas. H. Smith, John M. Berry , Daniel S. Printup, James Daugledrill, R. H. Heart, Samuel Noble, and James Noble, Senr., and their associates and assigns, shall be, and they are hereby incorporated and made a body politic, by the name and style of “The Georgia and Alabama Coal Oil and Manufacturing Company,” and by that name shall and may be capable in law of purchasing , leasing, renting and holding all such property, real , personal and mixed as they may require for the purpose of mining for coal, salt iron and other minerals, and manufacturing the same and boring for oil, refining and manufacturing the same and for transporting to market the proceeds of their mines, and operations, lands and manufactures, and disposing of the same; and may be sued and sue in all courts of law and equity. And may have and use a common seal, and generally do every other act or thing necessary to carry into effect the provisions of this act; and to promote the objects of said company, with the privilege of having offices for the transaction of business at such point or points as they may deem necessary.

Corporators

Name.

Privileges.

SEC. 2. *Be it further enacted,* That the capital stock of said company shall be two hundred and fifty thousand dollars, with the privilege to increase the same to five hundred thousand dollars, divided into such number of shares as shall be provided for and fixed by the by-laws of said company.

Capital Stock.

SEC. 3. *Be it further enacted,* That the persons before named, or any three of them, shall be authorized to receive subscriptions to the capital stock of said company, to determine the amount per share of said stock, and when the subscription shall amount to not less than forty thousand dollars, the stockholders may organize and make by laws for the government of the company, and each share of stock shall entitle the holders to one vote.

Subscriptions.

Organization

SEC. 4. *Be it further enacted,* That the affairs of said company shall be managed by a President who shall be a

director and four directors to be elected by the stock-

<hr style="width: 100%;"/> <p>President and directors and their powers.</p>	<p>holders, a majority of which board shall have the power to appoint and employ all such officers and agents and other employees as they shall deem necessary for the transaction of the business of the company, to contract, agree for, purchase, rent or hire all such lands , buildings chattels , materials, rights, privileges and effects whatsoever as they may deem necessary for effecting the objects of the company, and the same, or any part thereof, to use or otherwise dispose of.</p>
<p>Installments.</p>	<p>SEC. 5. <i>Be it further enacted,</i> That the board of directors, or a majority of them, shall have power to call for payment of installments of any unpaid balances due on the stock, and to provide for the forfeiture and sale of any share or shares thereof in default of payment after thirty days notice shall have been given, and for the revision of such forfeiture on such terms as they shall deem reasonable.</p>
<p>Forfeiture.</p>	<p>SEC. 6. <i>Be it further enacted,</i> That the shares of said company shall be considered and held in law as personal property, and may be sold and transferred on the book of said company, or assigned or bequeathed by the owners thereof.</p>
<p>Shares considered personal property.</p>	<p>SEC. 7. <i>Be it further enacted,</i> That special meetings may be called by a majority of the board of directors, or by one or more of the stockholders holding one fourth of the capital.</p>
<p>Special meetings.</p>	<p>SEC. 8. <i>Be it further enacted,</i> That this act shall continue in force for fifty years.</p>
<p>Term of charter.</p>	<p style="text-align: center;">Approved, February 3, 1866.</p>

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No. 195.]

AN ACT

To incorporate the Decatur and Danville Railroad Company.

<p>Corporators</p> <p>Name.</p>	<p>SECTION 1. <i>Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,</i> That Willis F. Orr, A. G. Copeland, William N. Bilbo, Wm. Orr, James A. Woodall , J. W. Falk, J. C. Orr, and their associates and successors, be and the same are hereby created a body corporate and politic, by the name and style of “The Decatur and Danville Railroad Company,” and by that name shall be capable in</p>
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law of purchasing, holding, leasing, selling and conveying real, personal, and mixed property, so far as shall be necessary for the purposes of this incorporation and by said incorporated name, may sue and be sued, plead and be impleaded answer and be answered unto, in any court of law or equity in this State or elsewhere, and to have and use a common seal, and the same to alter or amend at pleasure; to pass such by-laws, rules and ordinances, for the good government of said corporation, as to them may seem proper, and generally to do all things necessary to carry into effect, fully and completely , the objects of this act.

Privileges

SEC. 2. *Be it further enacted*, That the above named incorporators shall have power to hold a meeting for the purpose of preliminary organization, shall elect from their number a president and board of directors, not to exceed nine in number, who may transact all the business necessary to the complete organization of the company; and shall open books for subscription to the capital stock of said company, at such times and places, and with such notice , not less than thirty days as they may deem proper.

President and directors.

Opening books.

SEC. 3. *Be it further enacted*, That the capital stock of said railroad company may be five hundred thousand (\$500,000) dollars, in shares of one hundred (\$100) dollars each, with the privilege of increasing the same to eight hundred thousand (\$800,000) dollars, should such increase be found necessary for its further management and construction.

Capital stock.

SEC. 4. *Be it further enacted*, That the said railroad shall extend from some point at or near Decatur, Morgan county, Alabama, to Danville in the same county, and to such distance beyond the same, and in such direction as may be necessary to develop the mineral and other resources of that vicinity, by such rout as may be deemed best by the president and directors of said railroad, regularly chosen, as follows:

Extent of railroad.

SEC. 5. *Be it further enacted*, That as soon as ten thousand (\$10,000) dollars, shall have been subscribed to the capital stock, the president and directors constituted under the provisions of the second section of this act five of whom shall have power to act, shall call a general meeting of the subscribers, at such time and place as they may appoint, and at such meeting, the said subscribers, or a majority of them in value, shall elect by

General meeting time and place.

ballot a president and eight directors, to manage the affairs

Election of President and directors.	of said company, and said president and directors, constituted under section second, or any three of them, shall be judges of said election for permanent president and directors, and give certificates of the same, which certificates shall be conclusive proof thereof, and that the requisitions of this act, prior to the said election, have been fully complied with. The directors thus chosen, shall allow the presi-
Compensation	dent such compensation as they may think proper; and on all occasions, whenever a vote of the stockholders shall be necessary to be taken, each stockholder shall be allowed one vote, for every share owned by him or her, and any stockholder may depute any other person to vote and act for him or her , as his or her proxy.
Manner of voting.	SEC. 6. <i>Be it further enacted</i> , That the president and directors of said company shall be chosen annually by the stockholders of said company and if ay vacancy shall occur by death, resignation or otherwise, of any president or director, before the year for which he was elected, shall have expired , such vacancy shall be filled
Vacancies how filled.	by the president and directors, or a majority of them, and the president and directors shall hold their office until their successors are chosen and qualified; shall have power to call meetings of stockholders at any time, and a majority of the stockholders, shall have power to remove the president or any director, and to fill all vacancies occasioned by removal at pleasure.
Term of office.	SEC. 7. <i>Be it further enacted</i> , That the said president and directors or a majority of them, may appoint all such officers, engineers, agents or servants, whatsoever, as they may deem necessary, to carry on the business of said company, and may dismiss them at pleasure, and a majority of them shall determine the compensation of all officers, engineers and servants of said company, and shall have power to pass all by-laws which they may deem necessary and proper, for exercising all the powers vested in this company, for carrying into effect the objects of this act; Provided, only, That such by-laws shall not be contrary to the constitution or laws of the State of Alabama, or of the United States; and said president and directors, or a majority of them, are empowered to borrow money to carry into effect the objects of this act, to
Powers.	issue certificates or other evidences of such loan, and to pledge the property of the company for the payment of the same, with interest.
Appointment of officers, &c.	
By-laws.	
Borrowing money.	

SEC. 8. *Be it further enacted*, That the president and

directors shall have power to require the stockholders of said company to pay such installments in their respective shares of stock in said company, and at such times as they may think best for the interests of said company; and upon the failure or refusal of any stockholders to pay the installments on his or her stock, in pursuance of any call made by said president and directors aforesaid; said president and directors may, upon giving thirty (30) days notice, proceed to sell at public sale, the share or shares of said stock, owned by said defaulting stockholder, or such part as they may think proper, to the highest bidder, and if on the sale of the shares of said stock owned by said defaulting stockholder, said stock should be sold for less than the amount due upon installments, said stockholder shall be liable to pay to said company the deficiency in manner and form hereinafter specified.

SEC. 9. *Be it further enacted,* That upon the failure or refusal of any stockholder to pay any installment called for, or demanded by the president and directors of said company, or if upon sale of said shares, as before specified, they shall be sold for less than the amount due upon installments, as above mentioned, the president and directors on giving thirty days notice to said defaulting stockholder, may proceed by their attorney to move the circuit court of the county in which said stockholder may reside, for judgment against said stockholder for the amount called for by the president and directors of said company, or as the case may be, for any deficiency that may occur in the sale of said stockholder's shares above specified; and said court is hereby authorized and empowered and required to render judgment against such defaulting stockholder at the same term of the court, at which said motion is made, which judgment so rendered, shall be a lien upon the real or personal property of said stockholder, and execution shall issue as upon other judgments, for the amount of said judgments and costs; and all notices hereby required to be given to any defaulting stockholder, shall be issued by and in the name of the secretary of the board of directors, and served by the sheriff of the county in which the stockholder may reside, and shall be returned to the office of the clerk of the circuit court, as in cases of common suits.

SEC. 10. *Be it further enacted,* That said company is hereby authorized to purchase, receive and hold such

Installments.

Defaulting stockholders.

Remedies against defaulting stockholders.

Powers.

estate as may be necessary and convenient in accomplish-

Right of way

ing the objects for which this incorporation is granted, and may by their agents surveyors, engineers and servants enter upon all lands and tenements through which they may deem it necessary to make said road, and to survey, locate and contract for the land or right of way which the owners through which they may deem best to build said road. In case said lands belong to the estate of any deceased person, then with the executor or administrator of such, or in case the same belongs to a minor or a person *non compos mentis*, then with his or her guardian or guardians, or in case said lands shall be held by trustees of school sections or other trustees of estates, then which said trustees; and the said executors, administrators, guardians and trustees are hereby declared competent for such estate or minors to contract with said company for the right to use, occupy and possess the lands of such estates of minors or trustees so far as may be useful or necessary for the purpose of said railroad, and the act and deed of such executors, administrators, guardians or trustees in relation thereto shall pass the title in said land, in the same manner as if the deed or act was made or done by legal owners of full age, and such executor, administrator, guardian or trustee shall account to those interested upon their respective bonds, or the amount paid him or them in pursuance of such agreement and composition; and if the said company and parties representing lands prefer, they may refer the question of compensation to arbitrators mutually chosen, whose award, or that of their umpire in case of disagreement, shall vest title according to its terms.

*Ad quod  
damnum.*

SEC. 11. *Be it further enacted*, That if said company cannot agree with the owner or representative of the land through which they desire to pass the road, it shall be lawful for the clerk of the circuit court of the county in which said land lies, on the application of said company, or its agent, and he is hereby required to issue a writ of *ad quod damnum*, commanding the sheriff that without delay he cause a jury of six good and lawful men to be upon such land on a day to be appointed by said sheriff and whereof it shall be his duty to give five days' notice to the parties interested, or their agents, or representatives if they be within said county, or if the owner be unknown or reside out of the county shall give thirty days' notice by advertisement, and then cause such jury,

after being duly sworn by the sheriff or justice of the



peace, to make true inquest of the damage that will be sustained by such owner or estate by reason of making said railroad through such land. If any such juror shall fail to appear, or by reason of challenge for cause or otherwise fail to sit on said inquest, the said sheriff shall fill said jury from the bystanders, and if they fail to find a verdict, the said sheriff shall again on the same or subsequent day or days empanel a new jury or juries until a verdict be had, such verdict and inquest regularly certified by such sheriff shall be returned to the office of the clerk of the circuit court of the county in which said land may be, and there remain among the records, and such verdict shall vest in said company the right to occupy and use such land for the purposes of said railroad on the payment of the damages thereon assessed against said company; and in case of persons absent or unknown as aforesaid, the placing of the amount of such damages to the credit of the owner in the hands of the probate judge of the county in which said lands may lie, shall be deemed and taken as payment; and such judges shall be liable on their bonds to make due payment of said money on demand of their owner of such land, or his or her representative.

SEC. 12. *Be it further enacted*, That the jurors trying said case shall take the following oath, to be administered by the sheriff: "You, and each of you, do swear or affirm (as the case may be) that you will well and truly try the case now pending and submitted to your decision between A. B. complainants, and the president and directors of the Decatur and Danville railroad company, defendants and that you will take into consideration the advantages and enhanced value which the construction of said railroad may give to the lands or other property of complainant, as well as the injury said land or other property may sustain by its construction through or near which it may be constructed; but you will award to the owner not less than the actual value of the real estate as such, condemned for the use of the road; so help you God."

SEC. 13. *Be it further enacted*, That the work of survey, locating and constructing said road shall in no wise be hindered or delayed on account of the proceedings had as aforesaid.

SEC. 14. *Be it further enacted*, That in case any per-

son shall willfully or maliciously injure or obstruct the

Penalty for  
damages.

said railroad in any degree, he shall forfeit and pay to the president and directors of said railroad company three times the amount of damages they may sustain in consequence thereof; to be sued for and recovered as provided by law for individuals in like cases, and on complaint made to any magistrate within whose jurisdiction such offense shall be committed, it shall be the duty of such magistrate to bind the person aforesaid so offending, with sufficient security for his or her good behavior, for a period not less than one year, and such offenders shall also be subject to indictment, and shall, at the discretion of the court, on conviction, be imprisoned not less than three, nor more than six months.

Tolls.

SEC. 15. *Be it further enacted*, That after the completion of any part of said road, said company may levy and collect tolls thereon from all persons and for all property, merchandize or other commodities transported thereon, and may contract for carrying mails.

Obstructing  
other roads.

SEC. 16. *Be it further enacted*, That whenever it may be necessary to cross or intersect any established road or way, it shall be the duty of the company so to construct the road as not to obstruct or impede the passage of such established road or way, but shall make crossings and bridges for the same.

Rights.

SEC. 17. *Be it further enacted*, That the said company, for the purpose of constructing said railroad, or repairing or charging it afterwards, shall have the same right of entry upon adjacent lands, and to cut timber, quarry rock, as before provided as to right of way.  
Approved, February 10, 1866.

No. 196.]

AN ACT

To incorporate the Bienville Gas Light Company, for the city of Mobile.

Corporators.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That T. P. Miller, R. L. Watkins, R. Lee Fearn, Chas. Walsh, John H. Garner, Henry Chamberlain, G. Y. Overall, Thomas B. Lyons, Alfred Batre and their associates and successors, are hereby created and constituted a body politic and corporate, under the name

and style of the “Bienville Gas Light Company,” and by that name they may sue and be sued, plead and be impleaded, may make, have and use a common seal, and may ordain and put in execution such by-laws, rules and regulations for the direction and management of the affairs of said company as they may deem expedient.

Name.

Privileges.

SEC. 2. *Be it further enacted*, That the business of the Bienville gas light company shall be to establish and construct gas works within or near the corporate limits of the city of Mobile, and to send and distribute gas throughout said city, and said corporation may purchase and hold as much real and personal estate as may be necessary and expedient for said business, or to secure any debt that may be due them.

Business of company and privileges therein.

SEC. 3. *Be it further enacted*, That it shall be the duty of said company, after it shall have been organized and gone into operation under the provisions of this act, to establish gas works as aforesaid, of sufficient capacity to supply the demands and wants of the corporate authority and citizens of Mobile with such quantity of gas as they may require.

Duty of company.

SEC. 4. *Be it further enacted*, That the mayor, aldermen and common council of the city of Mobile, as a corporation, are hereby authorized and empowered to take stock in this company, and in default of the afore named corporators carrying this charter into effect within six months after its approval, said mayor, aldermen and common council may become the sole incorporators, and may organize and operate under the provisions of this charter.

City authorized to take stock.

SEC. 5. *Be it further enacted*, That the price of gas furnished under this charter shall not exceed ten per cent. the price charged by other cities similarly located and circumstanced in reference to the cost of material for its manufacture.

Price of gas.

SEC. 6. *Be it further enacted*, That the capital stock of said company shall be divided into shares of one hundred dollars, to the amount of one hundred thousand dollars. Said capital stock to be increased at the option of the stockholders, by additional shares to the amount of six hundred thousand dollars, or less as the wants of the city may require.

Capital stock

SEC. 7. *Be it further enacted*, That the president and directors of said company may borrow money to carry

May borrow

into effect the object and provisions of this act, and to

money.

Penalty for injuries.

pledge the property of the company for the payment of the same.

SEC. 8. *Be it further enacted*, That if any person or persons shall willfully injure or destroy any portion of the gas works or fixtures, or other property belonging to said company; or shall willfully open a communication into the street or other gas pipes, or let on gas after it has been stopped by the authorized agent of the company, such person or persons shall be liable for all damages sustained by such proceedings, and shall also be liable to indictment in the city or circuit court of Mobile, and on conviction of malice in the premises may be imprisoned in the county jail, not exceeding six months, and fined not less than five hundred dollars at the discretion of the jury trying the same.

Term of charter.

SEC. 9. *Be it further enacted*, That said company is incorporated for the term of fifty years from the date of its approval; Provided, the terms and conditions therein contained are faithfully observed and complied with.

Approved, February 23, 1866.

No. 197.] AN ACT

To incorporate the Eufaula Gas Light Company.

Corporators.

Name.

Capital stock.

President and directors.

Privileges.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That J. G. Yeiser, Junius Jordan, J. G. L. Martin, and J. W. Howard, and their associates and successors are hereby declared and constituted a body corporate, by and under the name and style of the "Eufaula Gas Light Company," and the capital stock of said company shall not be less than twenty-five nor more than fifty thousand dollars. The corporators above named shall be entitled to subscribe two-thirds of the whole capital stock taken, and the stock shall be divided into shares of one hundred dollars each. The affairs of said company shall be managed by three directors, one of whom shall be chosen for the president of said company at their first meeting, after the elections as hereinafter provided for. Said company, by their corporate name, shall sue and be sued, implead and be impleaded, contract

and be contracted with, have and use a common seal, and the same alter at pleasure, hold real and personal property; and the president and directors may make all such by-laws and regulations as may be deemed necessary to conduct and carry on the business of said company; Provided , they be not repugnant to the charter of said city, onr to the laws of the State or of the United States.

By-laws.

SEC. 2. *Be it further enacted*, That the business of the Eufaula gas light company shall be to establish and construct gas works and send gas in the city of Eufaula, Alabama; and it may purchase and hold as much real estate as may be necessary and expedient for said business , and to secure any debt that may be due said company.

Proviso.

Business and privileges

SEC. 3. *Be it further enacted*, That it shall be the duty of the said company to establish gas works in the city of Eufaula of sufficient capacity to supply the corporate authorities and inhabitants with such public and private gas light as they may require, at prices and rates ordinarily charged in the cities between Charleston, S. C., and New Orleans, La., inclusive. And said company shall commence said gas works within one year from the date of this charter, and shall complete the same as early as practicable; Provided, that said company shall not build or locate their gas works within the corporate limits of said city without the consent of the council of said city, and which shall be entered on the records of said city, if granted.

Duty of company.

Prices and rates.

When to commence and complete.

Proviso.

SEC. 4. *Be it further enacted*, That said company shall have the right and privilege of laying their pipes and tubes in or under the streets and alleys of said city, at their discretion , so as not to obstruct said streets and alleys, nor injure the shade trees, nor interfere with the sidewalks further than may be necessary to introduce gas into any premises which may be required or contracted to be lighted.

Rights, privileges and restrictions.

SEC. 5. *Be it further enacted*, That said company , by agents, officers and servants , shall have free access to the metres, whenever it may be necessary to inspect them, to take statements of index for making out bills or to refit them; and any person hindering or obstructing willfully the free access, as aforesaid, of said agents, officers, or servants, or any person who shall break, displace, damage or tamper with said metres, gas-metres, pipes, posts

Access to metres, &c.

or fixtures, or shall let on or off, or shall shut off gas



Penalty for unlawful tampering.	from the same by any act or means, shall on conviction of any or either of said acts or offenses before the mayor of said city, who shall have jurisdiction of the same, be fined
	in a sum not less than ten or more than fifty dollars, one-half to the use of the informer, and the other to the use of said city; and upon a failure to pay said fine the offender shall be imprisoned, as other offenders in like cases are authorized to be imprisoned by the laws and regulations of said city; Provided, that any person convicted as aforesaid shall have the right to take the case before the next circuit court thereafter, held for Barbour county, certiorari, to be granted as provided by the code in civil cases.
Appeal.	
Books of subscription to be opened, &c.	SEC. 6. <i>Be it further enacted</i> , That J. G. Yieser, James Jordan and J. G. L. Martin, or any one of them, shall open books for subscriptions to the capital stock of said company, at such times and places in said city as he or they may appoint, giving at least ten days notice of the same in some newspaper published in said city, and every subscriber at the time of subscribing, shall pay ten dollars on each share: and said books shall remain open for two months, when the said company may organize, if the sum of twenty-five thousand dollars shall have been subscribed; Provided, That if the incorporators, or all of them named in the first section, shall fail within one month, after said books are opened to subscribe the stock to which they are entitled under this charter, then the same may be taken by any other person or persons.
Proviso.	SEC. 7. <i>Be it further enacted</i> , That said company shall organize by electing three directors, who shall be annually elected thereafter, and in all elections each share shall entitle the holder and owner to one vote; Provided, That if after the first election for directors, a shareholder must have owned such share for at least sixty days next preceding any election to entitle him to vote.
Organization.	SEC. 8. <i>Be it further enacted</i> , That after the organization of said company, if it should be deemed proper by the directors at any time to open books for further subscription to the capital stock, they shall have the privilege of doing so, and the original stockholders shall have the preference in subscribing said additional stock, and for that purpose they shall be entitled to ten days' notice after said books are opened to take the same, said notice to be given by being published in some newspaper print-
Proviso.	
Further subscriptions.	
Preference.	
Notice.	

ed in said city.

SEC. 9. *Be it further enacted*, That the said company are hereby incorporated for the term of thirty years from and after the passage of this charter; Provided, The terms therein contained are faithfully fulfilled and observed by said company.

Approve, February 13, 1866.

Term of charter.  
Proviso.

No. 198.]

AN ACT

To establish a Medical Board in the counties of Washington and Choctaw.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in addition to the medical board now established by law, there shall be one established in the counties of Washington and Choctaw; said board shall be governed by the same rules, laws, and regulations in every respect , as those now prescribed for the government of other medical boards of this State.

Establishment and regulations.

SEC. 2. *Be it further enacted*, That Drs James S. Evans, E. D. Connor, A. H. Hutcherson, and William M. Dunn, of Choctaw county; and Drs James G. Hawkins, Lewis Harris and Robert Coleman of Washington county are hereby constituted said board to be styled the "Medical Board of Physicians for the county of Washington and South Choctaw."

Board.

Name.

SEC. 3. *Be it further enacted*, That said board shall meet annually at Bladon Springs in Choctaw county, on the second Monday of August in each and every year, and at such other times as they may desire; and a majority of whom shall have power to fill any vacancy or vacancies in said board, whether by death, resignation or otherwise.

Meetings.

Vacancies.

SEC. 4. *Be it further enacted*, That the jurisdiction of said medical board, in the exercise of its privileges and duties shall extend over the county of Washington and the southern half of Choctaw county and licenses granted shall be good and valid in all parts of the State. No physician shall be allowed to practice medicine or surgery in the above designated district of country, unless he be licensed by the board, or unless such person is at this time a practicing physician or a graduate of some

Jurisdiction

License of physicians.

Rights of Botanic physicians.

respectable medical college, or has a license from some medical board in this State.

SEC. 5. *Be it further enacted*, That nothing in this act shall be so construed as to affect the rights or privileges of those who may practice the botanic system as now regulated by law.

Approved, February 13, 1866.

No. 199.]

AN ACT

To incorporate the Alabama Petroleum Vapor Stove and Gaslight Company.

Corporators.

Name.

Purpose and Authority.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That W. G. Clark, Samuel Lyons, Josiah A. Sample, James H. Duval, James Bond, Moses S. Foote, Charles W. Rapier, William H. George, Albert Wells, Joel H. Snow, John Forsyth, John W. Mott and Lewis Lewis E. Montague of the city of Mobile and such shareholders as are, or may be associated with them, be, and they are created and made a body politic and corporate by the name and style of the "Alabama Petroleum Vapor Stove and Gaslight Company," for the purpose and with authority to engage in and carry on the manufacture and the purchase and sale of stoves and gas fixtures for the use of petroleum in all the branches belonging to said business, and to contract with any city or town or corporation, or person for the supply of such stoves and gas fixtures, and for the procuring and furnishing for consumption in such stoves and gas fixtures, petroleum or any product or compound thereof or therefrom, and to contract for lighting by means of petroleum or any product thereof, any city, town or buildings and generally to purchase and sell and deal in the said article of petroleum or any products thereof, and the stoves and gas fixtures for using the same, and to make any contract in reference thereto, or connection therewith, or with the use of the same, and for this purpose may make all necessary contracts, and may purchase and hold any and all patent rights it may deem necessary, and may sub-let or sell out the same in whole or in part, and may engage in and carry on the manufacture of articles in metal and wood.

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SEC. 2. *Be if further enacted,* That the capital stock of said company shall not be less than thirty thousand dollars, and shall not exceed two hundred and fifty thousand dollars, as may from time to time be agreed on by the stockholders.

SEC. 3. *Be if further enacted,* That the shares in said company shall be of the par value of one hundred dollars each, and shall be transferred only on the books of the company. The principal office of the company shall be in the city of Mobile.

Shares and manner of

SEC. 4. *Be if further enacted,* That the business affairs of said company shall be managed by a board of seven directors chosen annually, who shall choose one of their number as president of the company and of the board. The said board of directors shall appoint such other officers as may be necessary and take such bond and security as they may deem sufficient to insure the due performance of their respective duties by such officers. And said corporation may purchase and own all such real and personal property as may be necessary or useful in facilitating the exercise of powers hereby conferred.

President, directors and other officers.

May purchase property.

SEC. 5. *Be if further enacted,* That the provisions of chapter four, title two, part two of the code of Alabama, be, and the same are hereby made applicable to said company unless as herein otherwise provided.

Provisions of code applicable.

SEC. 6. *Be if further enacted,* That said company may continue for the term of thirty years.

Term of char-

Approved, February 16, 1866.

No. 200]

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AN ACT

To incorporate the Southern Press Telegraph Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That W. G. Clark, Samuel G. Reid, M. F. Williams, A. M. Holbrook, G. F. Weisse, J. J. Shannon, Joseph Clisby, Seaton Gales, F. G. DeFontaine, A. F. Crutchfield, J. S. Thrasher, J. M. Dating, with such other persons as shall associate with them for that purpose, are constituted a body politic and corporate, under the name and style of the "Souther Press Telegraph Com-

Corporators.

Name.

pany,” and by that name may sue and be sued, plead and

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Privileges.	<p>be impleaded, have and use a common seal, and change the same at pleasure, make contracts with the persons and corporations, establish by-laws and regulations for the good government of the same, to borrow money, and do and perform all other acts, and enjoy all the rights and privileges incident to corporations, or which may be necessary to carry into effect the purposes and objects of this act.</p>
Objects of company.	<p>SEC. 2. <i>Be if further enacted,</i> That the objects of this company are declared to be the multiplication of facilities for the transmission of information by telegraph, thereby securing improved accuracy and economy to the benefit of commerce, agriculture and industrial pursuits generally, the development of the resources of the country, and by promoting a feeling of harmony between different portions thereof, embracing the welfare and prosperity of the State, and to enable the press to obtain early, authentic and important intelligence from all quarters, from agents of their own selection and subject to their own control.</p>
Capital stock	<p>SEC. 3. <i>Be if further enacted,</i> That the capital stock of said company shall be five hundred thousand dollars, divided into shares of one hundred dollars each, and that the said company shall have power to increase the said capital stock to one million dollars, if a majority of the stockholders vote so to do. The shares shall be deemed personal property, and may be transferred in such manner and such places as the by-laws of the said company may direct; Provided, That said company may commence operations with all the powers and penalties of this act, whenever the sum subscribed to the capital stock shall exceed the sum of thirty thousand dollars. In all elections of officers each share of stock shall be entitled to one vote, and no more.</p>
Stock transferable.	
When may commence.	
Each share one vote.	
Authority to open books of subscription.	<p>SEC. 4. <i>Be if further enacted,</i> That the persons named in the first section of this act, or any five of the, are hereby authorized to open, or cause to be opened, books or subscription to the capital stock of said company at such times and such places, and in such manner as they shall direct, and for this purpose they are empowered to appoint one or more commissioners, as they may deem expedient, to aid in obtaining subscriptions to said stock. They may close the books for the organization of the</p>

Powers  
therein.

company by the adoption of by-laws and the election of  
a president and directors whenever the amount of stock



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subscribed shall exceed the sum of twenty-five thousand dollars, not less than one per cent. of said subscription having been paid in.

SEC. 5. *Be if further enacted,* That in case of failure on the part of any subscriber to pay the installments on his stock as required, the board of directors shall have the option, after thirty days' written notice to the defaulter, of forfeiting his stock and selling it for the benefit of the company, or of compelling by suit the payment of such installments; and no stockholder shall be permitted to vote while in default.

Forfeiture and penalty.

SEC. 6. *Be if further enacted,* That the president and board of directors of said corporation shall have the power to do everything necessary for the construction, repairs, maintaining and operating of the line, or lines of telegraph they may determine to construct or purchase, to determine the line and location of the same, and to make and construct all works whatsoever which they may deem necessary for the proper completion and working of said telegraph lines, and shall have power to buy or accept the conveyance of the charter, property and appurtenances of any telegraph company within or without the limits of this State, and to issue stock therefor to the amount of aid purchase or purchases, in addition to the above stated amount of capital stock.

Powers in relation to telegraph lines.

SEC. 7. *Be if further enacted,* That not more than fifty thousand dollars shall be borrowed by said company, unless authorized by a vote of two-thirds of the stock represented at a regular called meeting of the stockholders; but the board of directors may contract for the furnishing of wire, equipments, and other necessary supplies labor, on such credits as they may deem proper, and may mortgage the property of the company, if necessary, to secure the payment of such contract.

Limit in borrowing.

May make contracts.

SEC. 8. *Be if further enacted,* That the president and board of directors shall be authorized to contract specially for work, labor, and materials, to be furnished to the company, payable in the whole or in part, in the stock of said company, until the whole amount of the capital stock of the company shall have been subscribed.

Further powers to contract.

SEC. 9. *Be if further enacted,* That the president and directors of said company may borrow from time to time such sums of money as may be required for the construc-

May borrow money.

tion of said telegraph over and above the amount of sub-  
scriptions to the capital stock; Provided, That the

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Proviso.	amounts to be borrowed have been sanctioned by a vote of two-thirds of the stock represented at any regularly called meeting of the stockholders; Provided, That the amounts borrowed do not exceed one million of dollars;
Limit.	and said president and directors be, and are hereby authorized to secure said loans, by mortgaging the property of the company, in whole or in part, as they may deem expedient. And the president and directors may confer on the holder of any bond or bonds issued for money for the use of said company, the right to convert the principal one thereon into the stock of said company, under such rules and regulations, as the president and directors may see fit to adopt.
Security.	
Rights of bondholders.	SEC. 10. <i>Be if further enacted</i> , That all rules relative to declaring of dividends or divisions of profits, and all other by-laws, deemed necessary for the proper and regular transaction of business, may be made by the president and board of directors, but they shall be subject to repeal, change, amendment, or modification by the stockholders at their annual meeting.
Rules as to dividends.	SEC. 11. <i>Be if further enacted</i> , That if any person shall wilfully, or by any means whatever, injure or destroy any posts of said telegraph, or attempt to do so, such person, or persons, so offending, and their aiders or abettors, shall each of them, for every such offense, be liable for all damages occasioned thereby, and further, be proceeded against by indictments or information before a court of competent jurisdiction, at any time within twelve months of such offense having been committed; and be punished by a fine, not exceeding one thousand dollars, or imprisonment, not exceeding twelve months, or both, at the discretion of the court.
Penalties for injuries.	SEC. 12. <i>Be if further enacted</i> , That this act shall take effect on and after its passage.
Date.	Approved, February 15, 1866.

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No. 201.]

AN ACT

To amend an act entitled “an act to amend the charter of the Opelika and Talladega Railroad Company, approved November 9<sup>th</sup>, 1861.”

SECTION 1. *Be it enacted by the Senate and House of*

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Representatives of the State of Alabama in General Assembly convened, That the third section of the act entitled "An act to amend the charter of the Opelika and Talladega Railroad Company," approved November 9<sup>th</sup>, 1861, which is in the words and figures following, to-wit: "Sec. 3d. Be it further enacted, That the name of the Opelika and Talladega railroad company be and is hereby changed to that of the Opelika and Tuscumbia railroad company," be amended, by striking out where they occur, the words "Opelika and Tuscumbia," and inserting in lieu thereof, the words "Savannah and Memphis."

Amendment.

SEC. 2. *Be if further enacted*, That the fifty section of the above recited act, approved November 9<sup>th</sup>, 1861, be, and the same is hereby repealed.

Repeal.

SEC. 3. *Be if further enacted*, That all grants, immunities, rights and privileges granted under it former names and style be, and the same are hereby extended to the said company, under the name and style given and conferred in the first section of this act.

Extension of privileges.

SEC. 4. *Be if further enacted*, That all obligations and official contracts done and made with or by said company, under its former names and styles, as they have been had prior to the passage of this act, shall be as binding and of as full force as if done under the above name and style of the Savannah and Memphis railroad company.

Former obligations binding.

Approved, February 20, 1866.

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No. 202.]

AN ACT

Supplementary to an act entitled "An act to incorporate the Southern Travellers' Insurance Company," approved December 15<sup>th</sup>, 1865.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in addition to the powers granted to the Southern Travellers' Insurance Company by the above entitled act, said company be, and is hereby authorized to insure all persons, whether travelling or not, against death and injuries from accidents from any cause whatever; also to insure travellers against detention or delay, caused by failure of connections on railroad or steamboat

Additional powers.



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Capital stock increased.

lines, or other conveyances, and to insure persons, in any occupation or pursuit, against accidents resulting from any cause whatever.

SEC. 2. *Be it further enacted,* That the capital stock of said company be, and is hereby increased to the sum of five hundred thousand dollars.

Approved, February 20, 1866.

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No. 203.]

AN ACT

To authorise the Alabama Life Insurance and Trust Company, and other chartered Fire Insurance Companies of Mobile, to go into liquidation.

Power to put into liquidation.

Proviso.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the president and trustees of the Alabama Life Insurance and Trust company of the city of Mobile are hereby authorized and empowered to put said company into liquidation, to pay the debts of the corporation and distribute any remaining assets among the stockholders thereof, after all liabilities have been discharged; Provided, That any other chartered company for fire insurance in the city of Mobile, when unable to continue business in consequence of losses, may avail themselves of the provisions of this act.

Approved, February 20, 1866.

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No. 204.]

AN ACT

To amend the charter of the city of Montgomery, to extend certain bonds due by the city for building State House.

Preamble.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the act to amend the charter of the city of Montgomery, approved February 2d, 1846, which reads as follows, to-wit: "Section 1. Be it enacted by the Senate and House of Representatives of the State of

Alabama in General Assembly convened, That the city



council of Montgomery be and the same is hereby authorized to raise a sum of money not exceeding seventy-five thousand dollars by the sale of the bonds of said city for that amount, in sums of one hundred dollars each, or upwards, bearing such a rate of interest and redeemable at such times and places as said corporation may designate, SEC. 2. Be it further enacted, That the said corporation be and the same is hereby authorized to pledge or mortgage the real estate belonging to the said corporation, and the rents and profits thereof, for the payment of the principal and interest of said bonds, and to assess such a tax upon the real estate within the corporate limits of said city of Montgomery as shall be fully adequate to the payment of the interest and for a sinking fund for the payment of the principal of said debt. Section 3. And be it further enacted, That the holders of said bonds shall not be required to inquire into the use or application of the sums of money that shall be raised by the sale of, or advanced upon said bonds, but that said holders shall be entitled against said corporation to all the advantages of the holders of foreign bills of exchange, approved February 2d, 1846;" and also the 1<sup>st</sup> section of an act to amend the charter of the city of Montgomery, approved February 15, 1865, which reads s follows, to-wit: "Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That authority is given to the city of Montgomery to subscribe for five thousand shares of the capital stock of the Alabama and Florida Railroad Company, and to issue its bonds and deliver the same to said company, according to the provisions of an ordinance of said city, passed by its corporate authorities on the 20<sup>th</sup> day of June, 1853; and the authority to pass such ordinances is hereby legalized and confirmed. Section 2. and be it further enacted, That in the event of the sale of new bonds, th proceeds thereof shall be applied to the payment of such outstanding bonds, and no other purpose whatever,"— be and the same are hereby amended and revised by adding thereto the following words and figures, to-wit: That the city council of Montgomery be and the same is hereby authorized to extend the unpaid portion of the debt known as the "State house debt," created under authority of acts of the Legis-

Amendment.

Power to extend State House debt and

lature, approved February 2d, 1846, and February 15<sup>th</sup>,  
1856, either by a renewal of the bonds at the hands of

manner of do-  
ing so.

the present holders, or by the sale of new bonds in lieu of the old; said renewed debt to be payable in not less than eight, nor more than twelve years for the maturity of the present outstanding bonds, to bear not exceeding eight per cent. interest and to be negotiated at a rate not less than par; and in the event of the sale of new bonds, the proceeds thereof shall be applied to the payment of such outstanding bonds an no other purpose whatever. Approved, February 20, 1866.

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No. 205.]                      AN ACT

To incorporate the Planters and Merchants Mutual Insurance Company of Mobile.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Thomas W. Sims, Cary W. Butts, John H. Gary, F. H. Stanard, Louis Durand, Jacques Forrer, A. P. Bush, George Whitfield, Leroy Brewer, James Chalmers, James A. Wemyss, E. V. George, Wm. T. Marshall, Charles K. Foote, and Smith Callum, of the city of Mobile, and their associates and successors, be, and they are hereby made and constituted a body politic and corporate, by the name of "The Planters and Merchants Mutual Insurance Company of Mobile," and by that name may have and use a common seal, sue and be sued, implead and be impleaded, acquire and hold, or dispose of such real estate or other property as may be necessary for the proper transaction of its business, and may make such by-laws, rules and regulations for the transaction of its business, as are not inconsistent with the constitution and laws of the United States, or of this State, or the provisions of this act.

SEC. 2. *Be if further enacted,* That the objects and purposes for which this corporation is created, are to make and effect insurances upon houses, ships, steamboats, goods, wares, merchandise and property of every discription; against loss or injury by fire, water, tempest, or other casualties; and the said company shall have full power to make such insurances upon such terms as they may think proper.

Corporators.

Name.

Privileges.

Objects and purposes.

SEC. 3. *Be if further enacted,* That the capital stock

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of said company shall be at least two hundred thousand dollars, and may be increased, from time to time, to any amount, not exceeding five hundred thousand dollars, to be divided into shares of one hundred dollars each, to be subscribed for and paid or secured, as hereafter provided.

Capital stock.

SEC. 4. *Be if further enacted,* That the corporators named in the first section of this act, or a majority of them, may and shall, within three months from the passage of this act, cause books of subscription to be opened under their supervision, or the supervision of such of them as they may select, as commissioners for that purpose, at such time or times, and at such place or places as they may think proper, in the city of Mobile, for subscriptions to the capital stock of the said company; and the said books of subscription shall be kept open until the sum of at least two hundred thousand dollars has been subscribed for, and after that amount has been subscribed for, the said corporators may keep the said books of subscription open for further subscription, not exceeding in the whole, the sum of five hundred thousand dollars, for such length of time as they may think proper.

Books of subscription to be opened.

SEC. 5. *Be if further enacted,* That each and every subscriber to the stock of said company, shall at the time of subscription pay to th person or persons receiving the subscription for the company, twenty-five per cent. upon the amount subscribed for by him, and for the residue of the amount subscribed, shall execute his promissory note, payable to the said company on demand, without interest, with such securities thereto as may be required by said commissioners, and each such note shall state that it is given for stock subscribed for in the said company, and subject to the conditions provided in the charter of the company, in regard to stock notes. The money so paid, and the notes so executed, shall constitute the capital stock of said company; and the notes so executed shall be delivered by the commissioners receiving them to the secretary of the said company, as soon as conveniently may be, after such secretary has been elected and qualified. No payment shall be required to be made on said notes, unless and until such payment may be required by losses sustained, or expenses incurred by the company, and may be ordered or called for by a vote or resolution of the president and directors of said company. When-

Payment in cash and note.

Basis of capital stock.

When notes to be paid.

ever the losses and expenses of the company shall exceed its profits, so as to make a payment upon the said notes

Clerk for payment.	necessary to discharge the liabilities of the company, it shall be the duty of the president and directors of the company, and they shall have the power to cause a call for such payments to be made from time to time, as may be necessary, and the sum so required and called for, shall be assessed and apportioned rateable upon the stock-
Notice.	holders. Reasonable notice of every such call shall be given to each stockholder, in such manner as may be prescribed by the by-laws or regulations of the company, or in the absence of any such by-law or regulation as may be prescribed by the vote or resolution of the president and directors making the call. If any stockholder shall fail to make payment of the amount so assessed against him for ten days, after such notice thereof, the whole amount due on his note, with interest thereon from the time of the call, shall be due and payable; and he may be sued therefor. Every payment so made shall be credited on the proper note until the note is wholly paid. No stockholder shall be personally liable for the debts, losses or liabilities of the company beyond the amount of the note given by him, or the amount due thereon.
Penalty for default.	SEC. 6. <i>Be if further enacted,</i> That the business and affairs of the company shall be managed by fifteen directors, elected by the stockholders; and the directors so elected, shall choose one of their number to be president of the company. No person shall be elected as a director unless he is, at the time of his election, a stockholder in said company. At every election of directors, each stockholder shall be entitled to one vote for each and every share of stock held by him.
Liability.	SEC. 7. <i>Be if further enacted,</i> That the president and directors shall elect a secretary of the said company, and may elect or appoint such other officers or agents as they may think necessary for the proper management of its affairs; and may prescribe the duties and fix the salaries of the secretary and other officers and agents, and require such of them as they think proper to execute such bonds, with security for the faithful discharge of their official duties respectively, in such sum or sums, and in such form as they may prescribe or approve.
President and directors.	SEC. 8. <i>Be if further enacted,</i> That the said company shall be located, and have its principal office or place of business in the city of Mobile, and may establish agencies
Secretary and directors.	
Bond.	
Place of business.	

or branches in such other places as they may think proper.  
SEC. 9. *Be if further enacted,* That the persons named



as incorporators in the first section of this act shall be the first directors of the said company, and shall continue to act as such until a new board of directors shall be elected by a general meeting of the stockholders; Provided, That if any of the said persons so named shall fail or refuse to subscribe for stock in the said company within three days after the books of subscription to said stock are opened he shall cease to be a director, and the others named who do so subscribe, shall alone be directors. As soon as conveniently may be done, after the books of subscription to the stock of said company are closed a general meeting of the subscribers shall be called by the persons named as incorporators in the first section of this act or a majority of them at such time and place, in the city of Mobile as they may appoint, for the purpose of electing directors of said company; and reasonable notice of the time and place of such meeting shall be given by advertisement in one or more newspapers published in the city of Mobile, and at such meeting the subscribers to the stock shall elect fifteen directors of the company. Each stockholder shall have one vote for each share of stock held by him, and may vote for fifteen, or any less number of persons as directors and plurality of votes cast shall elect.

SEC. 10. *Be it further enacted*, That an annual meeting of the stockholders of said company shall be held at the office of said company, in the city of Mobile, on the second Monday in May, each year, at which meeting a report shall be made to the meeting by the president and directors of the company of the transactions of the company for the preceding year, and of the condition of the company; and an election shall be held for directors of the company for the ensuing year; but any general meeting of the stockholders may, by resolution appoint a different time for holding the next general meeting of the stockholders. The president and directors may, for special purposes, call a general meeting of the stockholders, at such other times as they may think proper. At any general meeting of the stockholders the president of the company or in his absence, one of the directors shall act as temporary president of the meeting, until the meeting shall elect a permanent president, and the secretary of the company, or in his absence such person as the presiding officer may appoint, shall act as temporary secretary of the meeting, until the meeting shall elect a

1865-6.

1<sup>st</sup> directors.

Proviso.

General meeting.

Notice of Election of directors.

Voting.

Annual meeting.

Report and election.

Proviso.

Privileges.

permanent secretary. Upon all questions raised and vo-

Manner of voting.	ted on, at a general meeting of the stockholders , any stockholder present may require a vote by stock, and thereupon each member shall be entitled to one vote for each share of stock, owned or represented by him, otherwise each stockholder present shall be entitled to
Proviso.	only one vote. At such general meetings stockholders may vote at proxy or agent, but no person shall be admitted to vote as proxy or agent for another, unless he is himself a stockholder in the company. The meeting shall judge of and determine the genuineness and sufficiency of any proxy presented or claimed.
Term of office.	SEC. 11. <i>Be it further enacted</i> , That the directors elected at any general meeting of the stockholders shall continue in office until their successors are elected, or they forfeit their office. A person elected as director shall forfeit his office and cease to be a director by his ceasing t
Forfeiture of be a stockholder of the company, or by his absenting office.	himself from the city of Mobile for more than four months at one time, without the consent of the president and directors. The president and directors may fill vacancies occurring in their own body by death, resignation or forfeiture.
Issue and transfers of certificate of stock.	SEC. 12. <i>Be it further enacted</i> , That the president and directors of the company may prescribe the manner and form in which certificates of stock in the company shall be issued, and the manner and form in which such stock is transferred; and the company shall have a lien on the stock of each stockholder for any debt or liability of such stockholder to the company, and may refuse to allow the sale or transfer of such stock until such debt or liability is discharged.
Estimates and statements.	SEC. 13. <i>Be it further enacted</i> , That in the month of May of each year, the president and directors of the company shall make, or cause to be made, by the proper officer of the company, an estimate of the profits and losses of the company, and also a statement of all cash paid into the company for and on account of premiums for the preceding twelve months, and by whom paid; which statement shall be verified by affidavit and filed with the papers of the company for the examination and information of all parties interested. And if it shall appear from such statements that the profits of the company do not exceed its losses and expenses by more than ten thousand dollars, the president and directors shall make no dividend

to the stockholders and they shall not award any return  
premiums to the insurers: but such excess of profits shall

be kept by the company as a reserved fund to meet future losses or liabilities. But if it shall appear from such statements that the profits of the company exceed its losses and expenses by more than ten thousand dollars, then the president and directors shall reserve and set apart a portion thereof, not less than ten thousand dollars , nor more than one-half of such excess, as they may think proper, to be kept by the company as a reserved fund, and the residue of such excess shall be rateably apportioned and divided between the several stockholders and insurers, according to the amount of stock held by each stockholder and the amount of premiums paid by each insurer, and shall order the proper per centage to be paid to the several insurers as returned premiums; and the dividends awarded to the stockholders shall be entered as a credit on their stock notes respectively , until the said notes are fully paid. But if any stockholder has paid his stock note in full, his dividends shall be paid in money.

SEC. 14 . *Be it further enacted*, That any subscriber to the stock of said company may at the time of his subscription pay in cash all, or any part of the amount subscribed for by him, not less than twenty-five per cent. on the whole amount; and any stockholder may , after subscription pay up the whole or any part of the stock-note given by him. If the profits of the company exceed its losses and expenses, the company shall allow and pay to the stockholders who have paid money to the company on account of their subscriptions , interest on the amount so paid in by them, respectively , from the times of such payments, at the rate of eight per centum per annum. This payment of interest shall be considered a part of the expenses of the company in making the annual estimate and statements for the purpose of declaring dividends and return premiums, as herein provided.

SEC. 15. *Be it further enacted*, That the president and directors may at any time require a note given for stock to be renewed, or further or other securities to be given; and they shall require such renewal before a recovery on any such note is barred by the statue of limitations; and if a party fail to renew such note within ten days after notice , the whole amount due on such note shall be payable, and it may be put in suit.

Reserved fund.

Dividends.

Return premiums.

May pay in cash.

Interest when paid.

Disposition of interest.

Renewal and securities.

SEC. 16. *Be it further enacted*, That the said company

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Powers in using money.	may use its money, whether arising from capital or earnings, in lending out the same at lawful interest, on such security as it may think proper, or in discounting or purchasing promissory notes, or bills of exchange.
When charters forfeited.	SEC. 17. <i>Be it further enacted</i> , That the corporate authority hereby granted shall be forfeited, unless the company hereby authorized to be formed is actually formed and organized within one year from the passage of this act, and when organized, the said company may continue for twenty years from the passage of this act. The company
Term of charter and restrictions.	hereby created shall be subject to such general laws as are now in force, or may be hereafter enacted in regard to similar corporations.
Repeal.	SEC. 18. <i>Be it further enacted</i> , That all laws and parts of laws contrary to the provisions of this act, be and they are hereby repealed. Approved, February 16, 1866.

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No. 206.]

AN ACT

To incorporate the Mobile Manufacturing Company.

Corporators.	SECTION 1. <i>Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened</i> , That Albert Hoher and George N. Stewart, of the city of Mobile, and the shareholders who shall be associated with them, be created a body politic and corporate in this State, by the name and style of the "Mobile Manufacturing Company," for the purpose of manufacturing cotton and woolen goods, and all fabrics made of wool and cotton, at such place or places in this State as they may deem suitable, and vending the same.
Name.	
Purpose.	SEC. 2. <i>Be it further enacted</i> , That the capital stock of said company shall be a sum not less than one hundred thousand dollars and shall not exceed one million of dollars, as shall be from time to time agreed on by the stockholders and which may be increased or diminished between the limits by the company as they may find it expedient for their business.
Capital Stock.	SEC. 3. <i>Be it further enacted</i> , That the capital stock shall be held in shares of one hundred dollars each, and the affairs of the company shall be managed, directed, carried on, and controlled by a president and directors
Division of capital stock.	

and such other officers as the board of president and directors shall direct. An election shall be held annually for seven directors, who shall from their number select one of the directors as president and said president and directors shall be the board for the management of the affairs of the company.

Officers of company.

SEC. 4. *Be it further enacted*, That the said corporation shall have all the powers which appertain to private corporations, as is provided by section 1481 of the code, and shall be governed by the provisions in relation to private corporations as declared in chapter four, part two title two of the code of Alabama, in all respects, except as herein otherwise provided.

SEC. 5. *Be it further enacted*, That the said corporation shall have power and authority to engage apprentices to work in their factories in the same manner as individuals can or may engage them to learn the business of manufacturing , by indentures of apprenticeship, made and to be made in such manner as the laws in relation to apprenticeship may from time to time provide.

Apprentices

Approved, February 20, 1866.

No. 207.]

AN ACT

To incorporate the North Alabama Oil and Mining Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That George D. Norris, William D. Shadick, Samuel R. Cruse, Samuel M. Fordyce, John L. Rison, Elisha B. Clapp, Amicus R. Barritt, Jesse N. Cooper, Jordan H. Scott, and Neely B. Scott, their associates and such other persons as may be hereafter associated with them, and their successors, be and they are hereby constituted a body corporate in fact and in name, under the style and title of the "North Alabama Oil and Mining Company," and by that name shall be and are hereby made able and capable in law to have, purchase, receive, possess, enjoy, and realize to them and their successors, lands, rights, tenements, hereditaments, goods, chattels,

Corporators.

Name.

Privileges of company.



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Objects.	and effects of whatever kind, nature or quality, in any amount the body corporate may deem necessary to carry all the objects of said corporation into full force and effect, which objects are to excavate, mine, bore, transport and sell ores, lead, copper, silver, iron, magnesia, coal, coal oil, petroleum &c., and the same to sell, grant, demise, alien, and dispose of, to sue and be sued, to plead and be impleaded, answer and be answered, defend and be defended in all courts having jurisdiction; to make, have and use a common seal, and the same to break, alter and renew at pleasure; to own and hold in perpetuity such quantity of land as may be sufficient to carry on the business of said company.
Capital stock.	SEC. 2. <i>Be it further enacted</i> , That said body corporate shall have the privilege of prescribing the capital stock and the number of shares into which the capital of said corporation shall be divided, the mode in which it shall be taken, paid, transferred or assigned, and also to prescribe the mode by which stockholders may vote and the number of votes to which each shall be entitled; Provided, nevertheless, That the rules adopted shall be uniform, equally securing the rights of each stockholder, and also to provide for the elector by ballot of such officers as may be deemed necessary for the government of the affairs of said corporation, and also to authorize, establish and put into execution such by-laws, ordinances and resolutions as they shall deem necessary and expedient for the government of said corporation; and to alter, amend or repeal the same, or adopt new ones, not being inconsistent with the laws of the State of Alabama, and of the United States, and in general to do and execute, all and singular, the acts, matters and things which may be necessary for mining, excavating boring, melting, refining transporting and selling ores, minerals, coal, oil, petroleum &c., or their other products; Provided, also, That no stockholder shall be held liable for more than the amount of his or her stock in said corporation.
Proviso.	
Officers.	
By-laws.	
Powers of corporation.	
Proviso.	
Elections.	SEC. 3. <i>Be it further enacted</i> , That if the officers are not elected by the stockholders of said company on the day fixed by the by-laws or ordinances the corporation for that cause shall not be dissolved, and it shall be lawful to hold said election on some other day than that prescribed by the rules of said corporation.
	SEC. 4. <i>Be it further enacted</i> , That said corporation

be empowered to establish and carry on their business in any or all the counties of the State.

SEC. 5. *Be it further enacted*, That this corporation may continue twenty-five years, and its capital stock shall not exceed one million of dollars.

Approved, February 19, 1866.

Limitations.

No. 208.]

AN ACT

To incorporate the Rock and Lignite Oil Company of Alabama.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That W. Crawford Bibb, C. C. Huckabee, E. Hall Covell, and William H. Covell and such others as may be associated with them for that purpose, and their successors are hereby created a body politic and corporate, by the name of the "Rock and Lignite Oil Manufacturing Company of Alabama," and by that name shall be capable of suing and being sued, in all the courts of this State, of purchasing, holding and conveying property of all descriptions, to make, alter and use a common seal, and generally to do any act necessary to carry into effect the objects of the corporation, not inconsistent with the laws and constitution of the State or of the United States.

Corporators.

Name.

Privileges.

SEC. 2. *Be it further enacted*, That the capital stock of this corporation shall be fifty thousand dollars, to be divided into shares of one hundred dollars each, which may be increased to such an amount as may be necessary to carry out the objects of the said corporation. The stock shall be deemed and held as personal property, and if any stockholder shall refuse or neglect to make the payments on his stock, the same may be sold by order of the President and directors, and such stockholder shall be liable for the balance due by him as stockholder to the corporation as it becomes due.

Capital stock.

Deemed personal property.

Liability of holders.

SEC. 3. *Be it further enacted*, That the directors shall be composed of four stockholders, who may select a president from their number; and the said president and directors shall have full power to appoint and remove all agents or officers of said corporation, to fix their com-

President and directors and their power.

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Responsibility of corporators. property	<p>pensation; prescribe their duties, and provide for taking bonds from them for the security of the corporation, and shall also have power to fill any vacancy in the body, and appoint a president pro tempore when the president is absent from their meeting.</p> <p>SEC. 4. <i>Be it further enacted</i>, That said corporation shall be responsible to its creditors to the extent of its property and the stockholders to the extent of their respective stock paid up.</p>
Objects and privileges.	<p>SEC. 5. <i>Be it further enacted</i>, That this charter does and shall confer upon the above parties, their heirs and assigns, and those they may elect to associate with them the privilege for twenty-five years of manufacturing oil and other fluids from shale and lignite, boring for petroleum and other fluids , mining for other minerals and manufacturing and refining the same , in the State of Alabama, and that the property, funds and business transactions of the same , shall be subject to the same rate of taxation imposed by law on the property and similar business transactions of other oil or mining companies.</p>
The same.	<p>SEC. 6. <i>Be it further enacted</i>, That said corporation shall have the right to mine the shale and lignite , and other minerals , to bore for oil and other fluids, and to manufacture and refine the same; to make roads to and from their works to the most convenient points for shipment of their materials or manufactured articles by paying fair valuation for the right of way, and to charge freight and toll on all roads constructed by them.</p>
Right of way.	
Toll.	
By-laws.	<p>SEC. 7. <i>Be it further enacted</i>, That the president and directors shall pass such by-laws , rules and regulations as they may deem necessary for the interest of the company.</p> <p>Approved, February 16, 1866.</p>

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No. 209.]

AN ACT

To revive and continue in force an act approved December 12<sup>th</sup>, 1849 entitled, "An act to change the name of the Coosa Manufacturing Company to the Bradford Manufacturing Company, and for other purposes."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That all the provisions of the above entitled

act , and those of which it is amendatory, are hereby re-  
vived and continued in force , and the present proprietors  
of said manufacturing Company, and their successors are  
hereby authorized and empowered to exercise each and  
all of them as fully as though they were therein individ-  
ually named.

Renewal of act.

Powers.

Approved, February 20, 1866.

No. 210.]

AN ACT

To incorporate the Tallasahatchie Lead Mining Company  
of Calhoun County; Alabama.

SECTION 1. *Be it enacted by the Senate and House of  
Representatives of the State of Alabama in General Assem-  
bly convened,* That Robert M. Paris, O. P. McRoberts,  
their associates and such other persons as may hereafter,  
be associated with them and their successors be, and they  
are hereby constituted a body corporate in fact and in  
name, under the style and title of the "Tallasahatchie  
Lead mining Company, of Calhoun county, Alabama,"  
and by that name shall be capable of suing and being sued,  
pleading and being impleaded in any of the courts of the  
State, may purchase, receive , possess, hold, and enjoy  
lands, tenements, hereditaments goods, chattels and ef-  
fects of whatever kind, nature or quality in any amount  
the body corporate may deem necessary to carry out all  
the objects are to mine, transport and sell ores, lead  
and other minerals, and the same to sell, grant, demise,  
alien and dispose of, to make, use and have a common  
seal, and the same to break, alter and renew at pleasure.

Corporators.

Name.

Privileges and  
objects.

SEC. 2. *Be it further enacted,* That the capital stock of  
said company shall be ten thousand dollars, with the priv-  
ilege of increasing it to one hundred thousand dollars and  
divided into shares of one hundred dollars each.

Capital stock

SEC. 3. *Be it further enacted,* That Robert M. Paris and  
O. P. McRoberts be, and they are hereby authorised to  
open books for the subscription of stock in the town of  
Jacksonville, in Calhoun county, first giving ten days'  
notice thereof of the time and place of opening the books  
aforesaid, and when fifty shares or more are subscribed,

Books of sub-  
scription.

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Organization	<p>the stockholders may then call a meeting and organize the company.</p> <p>SEC. 4. <i>Be it further enacted</i>, That the affairs of said company shall be managed by a president secretary, who shall also be the treasurer of said company, and three directors, all of whom shall be stockholders in said company.</p>
Officers of company.	<p>SEC. 5. <i>Be it further enacted</i>, That at the first meeting after an organization shall have been completed shall have power and it is hereby made their duty to make such by-laws and regulations as they may deem necessary and essential for the government of said company, not inconsistent with the laws and regulations of this State or the United States.</p>
By-laws.	<p>SEC. 6. <i>Be it further enacted</i>, That the charter hereby granted, shall be, and continue in force for and during the term of twenty-five years from its passage.</p> <p>Approved, February 20, 1866.</p>
Term of charter.	

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No. 211.]

AN ACT

To extend the indebtedness of the Railroad Companies in this State, incurred under the provisions of an act to loan and appropriate the three per cent. fund and its interest , approved February 18th, 1860, or any act amendatory thereof.

Preamble.

Whereas, by an act, “ to loan and appropriate the three per cent. fund and its interest, approved February 18<sup>th</sup>, 1860,” certain railroad companies therein enumerated, were made beneficiaries and ultimate recipients of said fund and its interest, in the way of loans and ultimate appropriations thereof; which said companies have by the late war between the Confederate and United States , been deprived of the expected and intended benefits of the loans to them, and been prevented from a compliance with the terms and conditions upon which the ultimate appropriation was made. And whereas, the disasters and disabilities consequent upon the late war, should, as far as practicable, fall upon, and be borne equally and alike by all of these railroad companies and their status should not by any legislation be so changed as to give either of them any advantage over another,

further than given in the original act, but each should, as nearly as may be, retain amongst themselves and with the State the same position as before the war. Therefore—

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the time for the payment of all loans under the above recited act, “to loan and appropriate the three per cent. fund and its interest, and the time for the performance of the terms and conditions upon which the loans and appropriations were granted, be, and the same is hereby extended for the term of five years from and after the eighteenth day of February, 1866.

Extension of payment.

SEC. 2. *Be it further enacted,* That if before the expiration of the five years, the Tennessee and Alabama Central Railroad company, or the Mountain Railroad Contracting company, shall, under the provisions of the before recited act, or any act amendatory or revisory thereof, heretofore passed and now in force, become entitled to demand and receive the appropriations made by said original act from the three per cent. fund and its interest, to the Tennessee and Alabama Central railroad company, then, and thereupon, all bonds or obligations, of whatsoever character, or kind, for loans under the second section of the aforesaid original act, shall become immediately due and payable , and shall be so expressed in the fact of said bonds.

Contracting.

When bonds may become due.

SEC. 3. *Be it further enacted,* That the debts severally due by said railroad companies, shall not be extended unless the Governor is satisfied that the debt and interest due and to become due is amply secured as required by the act of the 18<sup>th</sup> of February, 1860, entitled, “An act to loan and appropriate the three per cent. fund and its interest.”

Security before extension.

SEC. 4. *Be it further enacted,* That the said railroad companies whose debts are extended under the provisions of this act, shall severally pay into the treasury of the State semi-annually, from the 18<sup>th</sup> day of February, 1866, the interest due by each of said railroad companies so extended, under the provisions of this act.

Interest to be paid semi annually.

SEC. 5. *Be it further enacted,* That the Governor be, and he is hereby authorized to pay over to the “Mountain Railroad Contracting Company,” the interest paid into the treasury of the State by said railroad companies so

Interest to be paid to the M. R. R. C. Co

extended according to the true intent and meaning of  
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the act of the 18<sup>th</sup> of February, 1860, to loan and appropriate the three per cent. fund and its interest.” And as amended by the act approved 7<sup>th</sup> of October, 1864, entitled “An act to extend the period for the grading of the Tennessee and Alabama Central Railroad company, from Decatur to a point a few miles east of Montevallo.” Approved, February 20, 1866.

No. 212.]

AN ACT

To incorporate the society in the city of Mobile called the “Fidelia.”

Corporators.

Name.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That George F. Wornborn, Joseph Leinhauf, Maguers H. Rochotsh, Adolph Proskaner, and Benjamin Engel, at present officers of the society, in the city of Mobile, called and known by the name of “Fidelia,” together with their associates, the present members of that society, be, and they are hereby created and made a body politic and corporate, by the name and style of “Fidelia” and by that name and style shall be known and recognized as a body corporate, and shall have perpetual succession of the officers and members.

Objects and powers.

SEC. 2. *Be it further enacted,* That said society shall be empowered and authorized for the attainment of social and intellectual improvement of its members, to establish and continue such rules, regulations by-laws and ordinances for the government of the society, and for facilitating the objects thereof, as it shall think proper, and to alter the same at pleasure ; and may have a common seal ; and shall have all necessary powers to carry into full effect the object of the society, being the social and intellectual improvement of its members.

Provisions of Code applicable.

SEC. 3. *Be it further enacted,* That the said corporation, under the name and style aforesaid, shall be able and capable in law to have, hold, possess and enjoy to itself in perpetuity or for any term of years, any estate, real or personal of whatever kind or nature, and to sell, alien or dispose of the same, as the association may think proper, and by its name aforesaid , may contract, sue and be sued, plead and be impleaded, answer and be answered unto, in



any court of law and equity in this State, and have all the rights and privileges incident to bodies corporate.

SEC. 4. *Be it further enacted*, That the provisions of chapter four, title two , part two of the Code of Alabama , governing private corporations, be, and the same are hereby made applicable to said society , so far as consistent with the provisions of this charter , and the purposes and objects of this society ; Provided, That the real estate owned at any time by said company shall not exceed one hundred thousand dollars.

Proviso.

Approved, February 21, 1866.

No. 213.]

AN ACT

To revive the charter of North Alabama College.

Whereas, by the act of the General Assembly , passed February 3d, 1852, and the amendment thereto, passed December 19<sup>th</sup>, 1857, chartering the North Alabama College, located at Huntsville, the election of the board trustees of said college was to be made by the Presbytery of North Alabama at it fall meetings in each year ; and whereas, during the late war said Presbytery was prevented from having its usual meetings, and thereby no elections of trustees of said College have been held ; therefore, to prevent and guard against any difficulties which may intervene in regard to the chartered privileges of the said College.

Preamble.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the charter of North Alabama College and the amendment thereto, be and the same are hereby revived and continued in full force.

Renewal of charter.

SEC. 2. *Be it further enacted*, That the Presbytery of North Alabama shall have power, at its next spring meeting, to elect a board of trustees for said College, to hold their offices according to the terms of the original charter, and shall at their spring meeting in each and every year thereafter elect trustees of said college according to the provisions of the original charter thereof.

Approved, February 20, 1866.

No. 214.]

AN ACT

To amend the 1<sup>st</sup> and 3d sections of an act entitled “An act to incorporate the town of Clayton, Barbour county, Alabama,” approved December 21, 1841.

Amendment.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the first section of an act entitled “An act to incorporate the town of Clayton, Barbour county, Alabama,” approved December 21<sup>st</sup>, 1841, which reads as follows, to-wit : “Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the town of Clayton , in the county of Barbour, be and the same is hereby incorporated, and the bounds of said corporation shall be as follows : Extending a quarter a mile from the court-house each way, and to extend on the street running north as far as will include the residence of Jas. Clark,” be and the same is hereby amended by striking out the words “a quarter of a mile,” and inserting in lieu thereof the following words, “two miles.”

Amendment.

SEC. 2. *Be it further enacted* That section 3 of said act, which read as follows: “Section 3. Be it further enacted, That the said corporation shall have power to pass by-laws and ordinances necessary to preserve the health of said town, to prevent and remove nuisances, to establish patrols, to clear and keep in repair the streets and alleys of said town, and in general to pass such by-laws not contrary to the Constitution and laws of this State, as the said corporation from time to time shall deem expedient to carry into effect the intent and meaning of this act, and the same to put into execution ; to revoke and alter as the said corporation shall deem expedient,” be and the same is hereby amended by adding to the end of said section the following : That said corporation shall have power to require all retailers of spirituous liquors in said town of Clayton to obtain a license to retail from said corporation, and shall have the power and authority to impose a tax for the said license, not to exceed five thousand dollars and not less than five hundred dollars to be regulated by the by - laws of the said corporation ; and said corporation shall have full power to pass such by-laws for the punishment of any one retailing spirituous liquors

in said town as aforesaid without obtaining a license from

the said corporation, as they may deem proper and need-  
fines, by fines not exceeding five thousand dollars.

Approved, February 20, 1866.

No. 215.]

AN ACT

To incorporate the Bienville Water Works Company for  
the city of Mobile.

SECTION 1. *Be it enacted by the Senate and House of  
Representatives of the State of Alabama in General Assem-  
bly convened, That W. G. Clark, John Reid, Samuel Bat-  
tle, Duke W. Goodman, T. J. Riley, Jones M. Withers,  
Moses Waring, C. K. Foote, Augustus Brooks, A. H.  
Gordon, and such other persons as they may associate  
with them, their successors and assigns, be and they are  
hereby created and constituted a body politic and corpo-  
rate, under the name and style of the "Bienville Water  
Works Company," and by this name may sue and be  
sued, plead and be impleaded, to have and use a common  
seal, which they may alter or renew at pleasure, and may  
enact and execute such by-laws, rules and regulations for  
the government and management of the affair of said  
company as they may deem expedient.*

Name.

Privileges.

SEC. 2. *Be it further enacted, That the object and busi-  
ness of the Bienville Water Works Company shall be to  
establish and construct water works within or near the  
corporate limits of said city of Mobile, and to send and  
distribute water throughout the said city ; and said cor-  
poration may purchase and hold real estate within the  
county of Mobile, and any other property that may be  
necessary and expedient for the carrying on of said busi-  
ness, or to secure any debt that may be due said com-  
pany.*

Objects and  
business and

SEC. 3. *Be it further enacted, That it shall be the  
duty of said company, after it shall have been organized  
and gone into operation under the provisions of this act,  
to establish water-works as aforesaid of sufficient capacity  
to supply the demands of the corporate authorities and  
inhabitants of said city with such public and private water  
as they may require.*

Duty of com-  
pany.

SEC. 4. *Be it further enacted, That the capital stock of  
said company shall be divided into shares of one hundred*

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Capital stock. dollars each, amounting to one hundred thousand dollars, to be extended by additional shares to three hundred thousand dollars, as the wants of the city may require, and at the option of the stockholders ; the capital stock to be paid in as said stockholders may demand.

May borrow money. into SEC. 5. *Be it further enacted*, That the president and directors of said company may borrow money to carry effect the objects and provisions of this charter, and to pledge the property of the company for the payment of the same.

Penalty for injuries. SEC. 6. *Be it further enacted*, That if any person or persons shall willfully injure or destroy any portion of the water-works, or fixtures, or other property of said company, or shall willfully deposit any offensive or unwholesome substance or matter in the reservoir, pipers, or streams supplying the same, or shall open a communication into any of the streets or other pipes conveying the same otherwise than by authority of said corporation or their lawful or authorized agents, such person or persons shall be subject to prosecution in the city or circuit court of Mobile, and on conviction held liable for all damages sustained by said corporation by reason of such act, and shall also be fined in a sum not exceeding five hundred dollars and imprisoned in the county jail not exceeding two years, at the discretion of the jury trying the same.

City authorized to take stock. SEC. 7. *Be it further enacted*, That the city of Mobile, as a corporation, is hereby authorized to take stock in this company, and in default of the incorporators availing themselves of the privileges of this charter within six months from the date of its approval, the mayor, aldermen and common council of said city may organize and become the sole incorporators under its provisions.

Term. SEC. 8. *Be it further enacted*, That said company is incorporated for the term of fifty years from and after the approval of this act ; Provided, The provisions of the same are faithfully observed and complied with.

Proviso. Approved, February 23, 1866.

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No. 216.]

AN ACT

To amend an act to extend the charters of the Banks of Alabama therein named.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the first section of the act entitled “An act to incorporate the Central Bank of Alabama,” approved February 17, 1854, which is as follows : “That a bank be established in the city of Montgomery, the capital stock of which shall not exceed one million five hundred thousand dollars, be divided into shares of one hundred dollars each ; three-fifths of which capital may be subscribed for by individuals, and two-fifty of which shall be reserved for the State of Alabama, be so amended, as to provide that whenever the president and directors of said bank shall determine that it is necessary to reduce the capital of said bank in consequence of losses or other causes, it shall be competent for them to do so, and to reduce and consolidate the stock if they shall deem the same to be advisable, and that the bonus to be paid under said act, shall be reduced proportionally; And, provided, further, That the president and directors may also, from time to time, increase the capital after such reduction by the issue of new stock to the amount specified in the charter, and upon such enlargement the bonus shall be also increased in the same proportion, and that the president and directors are hereby required to make a report to the governor of this State, or any action they may take for the reduction or extension of their capital, under this section of the charter of said bank.

Recital.

Amendment.

Power to reduce and consolidate.

Power to increase.

Report to governor.

SEC. 2. *Be it further enacted,* That the president and directors of the bank aforesaid, shall have full power and authority to avail themselves of the privilege granted by the United States, in the act entitled “An act to provide a national currency, secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof, approved February 25<sup>th</sup>, 1863, and any act amendatory thereof ; and from and after the exercise of such privilege, all the rights and obligations and relations which may lawfully accrue therefrom, shall be held and enjoyed by the bank aforesaid under those laws ; Provided, That nothing herein contained shall be construed

Powers in availing of privileges granted by U.

Proviso.

so as to release any stockholder in said bank from the lia-

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Liability of stockholders.

bilities imposed by article second of section sixteen, of the act to which this is an amendment, which article is in the following words, to-wit : That the State and individual stockholders, or any copartnership or body politic, having shares in said bank shall be bound respectively for all the debts of the bank in proportion to their stock holden therein, and this proviso shall in no wise effect or impair the provisions of this act ; but the liabilities of said stockholders and other parties named in said article, shall be taken and held to continue and apply to the capital stock of said bank, as now existing, until the present outstanding liabilities of said bank shall be paid off and discharged by said corporation, after which, the liabilities created by the said articles shall apply to the amount of said capital stock after the same shall be reduces.

Same privileg- and they es extended.

SEC. 3. *Be it further enacted,* That all the powers and privileges conferred by this act, on the Central Bank, be, they are hereby extended to, and conferred upon the Commercial Bank, the Eastern Bank, and the Northern Bank of Alabama.  
Approved, February 23, 1866.

No. 217.]

AN ACT

To incorporate the Tennessee and Alabama Mining and Manufacturing Company.

Corporators.

Name.

Term.

Privileges and powers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Wm. D. Whipple, R. D. Johnson, and Wm. A. Bibb, and their associates and successors, be, and are hereby created a body politic and corporate, by the name and style of “ The Tennessee and Alabama Mining and Manufacturing Company,” and by that name shall have succession for twenty-five years, and shall be capable in law, and in equity, to sue and be sued, plead and be impleaded, in all suits and proceedings whatever, in any of the courts in this State, and shall have power to transact the business of boring for oil and salt, and mining for iron, coal, copper, and other mineral, volatile, or fossil substances in this State, and vending and selling the same, and for erecting buildings and fixtures, and other improvements, and of refining and manufacturing any



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of such mineral, volatile, or fossil substances, and to lay out, construct, equip, and operate such turnpike or rial-roads, to connect with the nearest navigable stream, or other railroads, as may be deemed necessary by said company, in order to carry on said mining operations, and said company may acquire, and hold all needful machinery, and apparatus, and may have a common seal, and the same may alter, and change at pleasure ; may buy, hold, manage, sell, convey, or transfer any real or personal estate, or property necessary for their business, or lease the same, and may make by-laws for the government of the company, which shall not be inconsistent with the constitution and the laws of the United States, or the State of Alabama.

SEC. 2. *Be it further enacted,* That the capital stock of said company may be two hundred thousand (\$200,000) dollars, with power to increase it to five hundred thousand (\$500,000) dollars, as the president and directors may deem necessary, to be divided into shares of one hundred (\$100) dollars each. Nothing but money or mineral property shall be regarded as a basis for capital stock. The stock to be subscribed and paid for as the board of directors may prescribe ; the shares shall be considered personal property, and shall be transferred only on the books of the company in person or by attorney.

Basis for transfer of stock.

SEC. 3. *Be it further enacted,* That the corporators named in the first section of this act, shall be the directors for the first year, and until others shall be elected in their stead. The annual meeting of the company shall be held at such times and places as the board of directors may determine, from year to year, thirty days previous notice being given in some newspaper published near the place of business, of the time and place of meetings ; at each annual meeting, a board of directors shall be chosen, for the ensuing year ; but in case of failure to elect a board of directors, the charter of the company shall not be forfeited thereby, but the directors of the previous year shall continue in office until others are elected in their stead. The directors shall appoint one of their number president, and shall appoint such other officers and agents as they may deem proper, and affix their salaries.

Directors.

Annual meeting.

Election of directors.

President and other officers.

SEC. 4. *Be it further enacted,* That all stockholders not having paid their stock according to the terms of

subscription, shall be individually liable to the creditors

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Liability of stockholders and directors.	of the company, to the amount so remaining unpaid, and in like manner shall the directors be individually liable for any amount they may declare and authorize to be paid to the stockholders as dividends, when the company shall be unable to pay all debts due by it. To avoid such liability on his part, the dissenting director shall enter, or cause to be entered on the minutes of the board, his dissent thereto, or if not present when the act is done, he shall so record, or cause to be recorded his dissent thereto, within thirty days after such dividend shall have been authorized.
Dissent of director.	
Restrictions.	SEC. 5. <i>Be it further enacted,</i> That the same company shall not contract any debts over and above the amount of capital stock paid in, no part of which shall be withdrawn, or in any way or manner, be diverted from the business of the company, without the consent of three-fourths in interest of the stockholders.
Distinct interest.	SEC. 6. <i>Be it further enacted,</i> That whenever said company shall, by purchase, lease or otherwise, become possessed of any mine, mines, or mineral rights, without the limits of the State, the directors may make a distinct interest of such mine, or mines, and divide it into such number of shares as they may deem expedient.
Transfer.	SEC. 7. <i>Be it further enacted,</i> That no share of said stock shall be transferable unless the same has been paid up, and to entitle the assignee or holder to vote or receive dividends, the transfer must be entered on the books of the company.
Dividend.	SEC. 8. <i>Be it further enacted,</i> That it shall be the duty of the directors to make and declare dividends out of the net profits of the company, among the stockholders, in proportion to the amount of stock held by each, at such time as they may deem advisable.
Date	SEC. 9. <i>Be it further enacted,</i> That this act shall take effect from and after its passage. Approved, February 23, 1866.

No. 218.]

AN ACT

To incorporate the "Medical College" at Greeneville, Alabama.

SECTION 1. *Be it enacted by the Senate and House of*

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*Representatives of the State of Alabama in General Assembly convened,* That there be erected, constituted and established in the town of Greenville, Alabama, a body politic and corporate, to be called the Southern Medical College of Greeneville, as provided in this act.

Incorporation.

SEC. 2. *Be it further enacted,* That the corporate powers of said medical college shall be and are hereby vested in a board of trustees, to consist of a number not less than nine nor more than fifteen, which board shall have perpetual succession, with power from time to time to fill all vacancies in their body, and shall have power to increase their number as herein specified, and that M. C. Lane, John K. Henry, Samuel J. Bolling, D. G. Dunklin, John Gamble, T. G. Pow, W. H. Crenshaw, T. J. Burnett, and S. F. Gafford shall be the first members of said board.

Powers of trustees.

First trustees.

SEC. 3. *Be it further enacted,* That the said board of trustees and their successors forever shall have full power and authority to elect and appoint a faculty to teach such sciences and arts as are usually taught in medical colleges, and when a vacancy occurs in said faculty to fill said vacancy upon the recommendation of two-thirds of the remaining number of the faculty, to displace the same, to declare the terms and duties of their respective officers, to enact such by-laws as they shall deem proper for the government of said college not inconsistent with the laws of the State or of the United States, to elect such officers as may be necessary for their proper organization, to have and use a common seal, to grant and to confer such honors and degrees as are usually granted and conferred by medical colleges, to revoke the same, to contract and be contracted with, to sue and be sued in and by their corporate name, and to purchase, receive and hold by gift or otherwise, to sell and dispose of all such real or personal property or estate of every description, as they may deem necessary for the purposes of said college.

Faculty.

By-laws.

Privileges.

SEC. 4. *Be it further enacted,* That it shall take five of the members of the board of trustees to constitute a quorum for the transaction of business. The president to appoint the time and place of holding the meeting of the board, of which notice in writing shall be given to each member.

Quorum.

Notice.

Approved, February 20, 1866.

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No. 219.]

AN ACT

To incorporate the Montgomery Savings Association at Montgomery.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That W. P. Chilton, A. P. Watt, Willia Bulger, D. S. Arnold, W. B. Lanier, D. Browder, J. R. Powell, J. P. Stow, H. P. Lee and A. Strassburger, or such of them as shall become subscribers thereto, and their successors be and are hereby created a body corporate by the name and style of the "Montgomery Savings Association," at Montgomery, for a term of thirty years.

Corporators.

Name.

Term of character.

Objects and duties.

SEC. 2. *Be it further enacted,* That the objects and duties of said association shall be to receive and deposit for safe keeping, the earnings and savings of working people and others, to give to said depositors receipts or other vouchers for said deposits, to pay to said depositors interest on such terms and legal rates as may be agreed on with the depositors, or as may be provided for in the by-laws, in absence of special agreement, and to repay the principal to the several depositors on their call, order, or check, or on the surrender of receipts or their vouchers.

Privileges.

SEC. 3. *Be it further enacted,* That the said association shall not be compelled to receive a smaller deposit than one dollar at any time, and shall not be compelled to pay interest until the amount of ten dollars shall have been deposited or accumulated by any one depositor.

Capital stock paid in.

Additional payments.

Investment of common stock.

SEC. 4. *Be it further enacted,* That with a view to secure depositors from any loss by the said association the subscribers composing the association shall each pay in on subscribing the sum of five hundred dollars as a common stock, and shall also pay fifty dollars per month thereafter ; that is to say, on the first Monday in each month, until the sums paid in shall amount in the aggregate to at least ten thousand dollars as a common stock.  
SEC. 5. *Be it further enacted,* That common stock of the association, or any portion thereof, may be invested in any stock created by the State of Alabama, or by the United States, or may be loaned on pledges of unincumbered real estate, with bond and mortgage security.

SEC. 6. *Be it further enacted,* That in order to enable

the association to pay interest to depositors, and to pay the necessary expenses of the association, as well as to compensate its members and subscribers for the use of the common stock, the association shall have power to lend its surplus funds on security, and to discount and purchase promissory notes, and bills of exchange.

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Power to use money.

SEC. 7. *Be it further enacted,* That the said association may have a common seal, shall have power to sue and be sued, it may acquire and hold as a corporation, real estate sufficient only for its business uses and purposes, and such real estate as may be acquired in the way of security or by collections of its dues.

Privileges.

SEC. 8. *Be it further enacted,* That the business of said association shall be managed by five trustees, to be elected by the subscribers to the common stock, to be elected annually, one of whom shall act as president, and the trustees shall appoint one person to act as secretary and treasurer, with compensation to be fixed by the trustees.

Trustees and other officers.

SEC. 9. *Be it further enacted,* That the trustees of said association shall frame and adopt by-laws and regulations for the government of the association, for the management of its business, for the transfer of stock, for the loan of its surplus funds and collections, and for such other business as may be proper.

Power of trustees.

SEC. 10. *Be it further enacted,* That notes, drafts, and other instruments, in writing made payable at said association, or at the banking house of the Montgomery Savings Association, and shall be entitled to days of grace, and shall be in all things governed by the law of merchants.

Law of merchants.

SEC. 11. *Be it further enacted,* That the trustees of said association may divide the stock of said association into shares of not less than twenty dollars per share, and furnish to the holders thereof certificates, which certificates may be transferrable under by-laws or rules to be prescribed by said trustees as aforesaid.

Shares and certificates.

Approved, February 23, 1866.

No. 220.]

AN ACT

To establish the Cane-brake Agricultural District, to provide for the securing of the same and the management of its affairs.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act,

Established.

Name.

Boundaries.

Election of commissioners.

President and his duties.

Vacancies how filled.

there shall be established in the counties of Greene, Perry, Dallas and Marengo, a district to be called the Cane-brake Agricultural District, bounded as follows : Beginning at the Warrior river, near Erie, in the county of Greene, and running thence by the way of Greensboro and Hamburgh to Fike's ferry, on the Cahaba river in Perry county, which will be the northern boundary thereof, and for the southern boundary beginning at the city of Demopolis, and running thence by the way of Spring Hill, Dayton and McKinley to the Alabama river, near the town of Cahaba.

SEC. 2. *Be it further enacted,* That an election shall be held at some convenient place in Union Town, in the county of Perry, on the first Monday in July next, and at the same time in each succeeding year, to commence at 12 o'clock noon, and close at 4 o'clock in the afternoon of the same day, for five commissioners for said district, who shall hold their offices for one year, and until their successors are duly elected and qualified, which election shall be held by any one of said commissioners and any two free-holders of said district, and the said commissioners shall, at their first meeting after such election, elect one of their body for a president of their board, whose duty it shall be to preside at all meetings, and do and perform all such other duties as may be required of him by said commissioners.

SEC. 3. *Be it further enacted,* That in the event a vacancy should arise in said board of commissioners, by the death, resignation, refusal to act, removal from the district or otherwise, the remaining commissioners at their next regular meeting thereafter, shall have power to fill such vacancy, and such commissioners when so elected, shall hold his office until the next annual election thereafter.

SEC. 4. *Be it further enacted,* That all white male



persons who shall be resident land owners in said district,

and of the age of twenty-one years, shall be deemed qualified voters, and entitled to vote at said annual elections for commissioners.

Qualified voters

SEC. 5. *Be it further enacted*, That within ten days after every annual election, the commissioners and the free-holders holding the same, shall forward to the judge of probate in each of the said counties , a list of the persons elected as commissioners at said annual election, and when a vacancy is filled by the board of commissioners, it shall be the duty of the president in the same manner to inform the judge of probate in each of said counties of the same within ten days thereafter.

List sent to judge of probate

SEC. 6. *Be it further enacted*, That until the first annual election is held, Charles L. Stickney and William T. Hendon, of the county of Greene , Thomas M. Walthall, of the county of Perry, George D. Lyon, of the county of Marengo, and Thomas Walker, of the county of Dallas, are hereby appointed and empowered to act as such commissioners.

First commissioners.

SEC. 7. *Be it further enacted*, That within said district no person shall be required to erect any fence or enclosure around his land, or keep the same in repair, or to aid in the erection, construction or repairs of any fence, or enclosure, except as hereinafter provided.

Fences and enclosures.

SEC. 8. *Be it further enacted*, That within the boundary lines of said district, there shall be constructed and erected, one good and sufficient outside fence, or other good enclosure, with all such gates, bars and outlets as may be necessary, so that all persons travelling into or out of said district on the public or private ways be not impeded or hindered : Provided, that on all public or private roads leading into or out of said district, gates may be erected to prevent stock at large from trespassing therein.

The same.

SEC. 9. *Be it further enacted*, That the said commissioners shall have entire control over said fences or enclosures and the gates, bars and outlets thereon, may direct where said fence shall be located and placed , how it shall be built and in general superintend and direct all matters and things relating thereto.

Proviso.

Powers of commissioners.

SEC. 10. *Be it further enacted*, That the commissioners courts of the counties aforesaid, shall at the request of said commissioners of the said agricultural district, in addition to the taxes for county purposes, levy and cause

Levying and assessment and collection of tax

to be collected a tax not to exceed two cents per acre in

Liability of collection.	<p>any one year, upon each and every acre of land in their respective counties embraced within said district, which said tax shall be assessed by the county assessors , and collected by the tax collector of the county in which the the same may be assessed, and when so collected, shall be paid over by such tax collector to the said commissioners for said district : Provided, that said tax collector shall be liable on his official bond for the faithful collection and accounting for the said tax when so collected, or so much thereof as he may receive : Provided, further, that the commissioners courts, in their discretion, may</p>
Discretion of assess the commission-ers court.	<p>the lands to be taxed in proportion to their value and also levy and collect of the rail road companies annually for the same purposes , a tax not exceeding five dollars per mile on each mile of said road within said district.</p>
Moneys howsioners expended.	<p>SEC. 11. <i>Be it further enacted</i>, That the said commissioners shall expend the money collected as aforesaid, or so much thereof as may be necessary in erecting pounds and building fences or enclosures around said district, and keeping the same in good repair, in paying for labor therefor, and such other necessary expenses as they may deem it expedient to incur in and about said enclosure.</p>
Trespass of stock and penalty therefor.	<p>SEC. 12. <i>Be it further enacted</i>, That within said district no person shall permit his or her stock of any kind or description to go at large, and any domestic animal of any kind or description found at large or trespassing may be taken up and carried to a common pound and the owner may reclaim the same by the payment of such fees and compensation as the said commissioners may in their rules and regulations establish, which they are hereby authorized and empowered to do, and also such damages as any person may have sustained by such animal going at large and trespassing.</p>
Pounds and estrays.	<p>SEC. 13. <i>Be it further enacted</i>, That said commissioners shall establish a proper number of pounds at convenient distances apart for receiving all estrays and stock trespassing or found at large, fix upon such fees and compensation as they may deem proper for the receiving and keeping estrays and animals found trespassing, appoint suitable persons to take charge of and keep up said pounds, and adopt such rules and regulations as they may consider necessary for the management and govern-</p>

ment of the same.

SEC. 14. *Be it further enacted*, That the said commissioners shall have power to appoint such superintendents and agents for the carrying into effect the provision of this act as they may deem necessary and fix their compensation.

Agents and their compensation.

SEC. 15. *Be it further enacted*, That said commissioners shall receive for their services while employed in the duties of their office, the same compensation allowed commissioners of roads and revenues in the same counties and in addition thereto the president shall receive such further compensation as the said commissioners may deem just and reasonable.

Compensation of commissioners and president.

SEC. 16. *Be it further enacted*, That said commissioners shall have power to pass all such by-laws , rules and regulations as they may deem necessary and proper for the management of their business.

By-laws.

SEC. 17. *Be it further enacted*, That all laws and parts of laws conflicting with the provisions of this act, so far as said district is concerned, be and they are hereby repealed. Appeal.

Approved, February 20, 1866.

No. 221.]

AN ACT

To incorporate the Deposit Savings Association of Mobile.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Robert Ellis, Franklin Burgess, Wm. Rouse, F. J. Barnard, Charles S. Partridge, James Robertson, G. W. Gilmore, Wm. Otis, Henry Gets, Thomas Byrnes, D. F. Rea, A. Tabor, and their successors, be and they are hereby declared to be a body politic and corporate, by the name and style of the "Deposit Savings Association of Mobile," and by that name may sue and be sued, contract and be contracted with, have and use a common seal, and the same may alter and renew at pleasure. Said corporation is hereby enabled to purchase and hold real and personal property, and choses in action, and the same to sell, dispose of and convey at pleasure.

Corporators.

Name and privileges.

SEC. 2. *Be it further enacted*, That it shall be the duty of said corporation to receive and deposit for safe-keeping

Duty of compensation.



<hr style="width: 100px; margin-bottom: 10px;"/> Proviso.	the earnings and savings of all persons who may deposit their money therewith, and to pay interest thereon at such rates as may be agreed on with said depositors ; Provided, It shall not be compelled to receive on deposit any sum of money less than five dollars, nor to pay interest on any sum less than twenty dollars, and shall not be compelled to accept any deposit for interest for a period less than three months, nor to repay the principal of any deposit amounting to one thousand dollars or more, until after a notice of thirty days requiring the payment of said deposit ; and at all times it shall be lawful for said corporation to pay its depositors and others dealing with it in such funds or currency as was deposited by them.
Privilege in paying funds	Said corporation may issue to its depositors certificates of deposit, or vouchers in acknowledgment thereof, in such form as may be agreed upon and accepted by said depositors.
Certificates.	SEC. 3. <i>Be it further enacted</i> , That to secure the depositors therewith from loss, said corporators shall each pay in cash, upon their acceptance of this charter, at least the sum of three hundred dollars, and shall further pay the monthly sum of ten per cent upon the amount of their respective subscriptions, till the amount of fifteen thousand dollars is raise, which shall be a common stock.
Payments of subscription	Said capital may be increased to the sum of two hundred thousand dollars, and shall be divided into shares of one hundred dollars each. The stock of each shareholder shall be liable for all debts due by such shareholder to the corporation, and shall not be transferred till such demands
Common stock may be increased.	May enforce are fully paid. To enforce its lien thereon, said corporation may sell said stock ; Provided, Thirty days' notice of the time and place of sale be first given, or, at its opinion may retain the same, allowing the debtor in account the true value thereof.
Stock liable.	SEC. 4. <i>Be it further enacted</i> , That the business of said
Management of business of corporation	corporation shall be managed by a board of seven directors , to be chosen by the stockholders at their regular annual meeting, one of whom shall be elected by the board president of said corporation. Five directors, of whom the president shall be one, shall be a quorum for the transaction of all business. Said board shall have power to elect or otherwise appoint all such officers and agents as the business of the corporation may require and to define their duties said board shall have power to enact all
Power of board.	



such rules and regulations for the government of the cor-

poration and its officers, and the regulation of its business , as to them may seem meet, not inconsistent with the laws of this State, and of the United States.

SEC. 5. *Be it further enacted*, That, in order to enable the corporation to pay interest to its depositors and to defray its necessary expenses, as well as compensate its members for the use of the common stock, it shall be lawful for said corporation to lend its surplus funds or securities ; to discount and purchase promissory notes and bills of exchange ; to deal in stocks, money, bonds, bullion, and uncurrent money ; to receive money in trust and on deposit for interest, and on current account ; and to invest its capital in bonds of the State of Alabama, or any other State of the Union ; in bonds and securities of the United States, and of any railroad company or corporation created by authority of this State, and on pledge of personal property, or mortgage of real property ; but said corporation shall not demand or receive upon discounts of bills or notes exceeding eight per cent. per annum.

Power in using money.

SEC. 6. *Be it further enacted*, That it shall be the duty of said corporation to receive for collection, free of charge, all notes and bills of exchange payable at any bank or banking house in the city of Mobile, that may be deposited with it, as much as ten days before maturity ; and all bills and notes negotiable and payable at the place of business of said corporation shall be governed by the law merchant, but for the collection of notes and bills deposited for collection by non-residents, said corporation shall be entitled to charge such commission or compensation as may be charged by other banks and bankers in the city of Mobile.

Rate of interest.

SEC. 7. *Be it further enacted*, That no member of this corporation shall be permitted to transfer his stock, except by consent of the board of directors, unless such transfer be to the corporation or some member thereof ; and no new member shall be admitted except with the unanimous approval of the board of directors. No director shall be entitled to any compensation for his services, except the president of the corporation, who shall receive a salary to be fixed by the board of directors.

Duty in collecting notes and bills.

Law merchants.  
May charge non-residents

SEC. 8. *Be it further enacted*, That in case of the sickness or absence of the president , his place may be filled by one of the directors appointed by the board, who, for the time being, shall perform all the duties of the presi-

Transfer of stock.  
New members

Compensation

Vacancies

dent ; and all vacancies in the board of directors may be

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Executive  
committee.

Voting by  
proxy.

Proviso.

Term.

filled by the remaining members thereof. Said board may at its discretion appoint two of its members an executive committee, with power to transact all business of the corporation in connection with the president, during the recess of the board ; and in all elections each share of stock shall entitle the holder in one vote, and such votes may be by proxy as well as by personal attendance of the shareholder, but such proxy shall be given only to some member of the corporation ; Provided, That the provisions of this charter shall be subject to and restricted by the laws governing savings' banks , and that nothing contained in the same shall be so construed as to confer upon the incorporators other privileges than those usually granted to savings' banks of this State.

SEC. 9. *Be it further enacted*, That this charter shall continue in force thirty years from the date of its enactment.

Approved, February 23, 1866.

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No. 222.]

AN ACT

To amend certain sections of the charter and amended charter of the "Alabama and Tennessee River Railroad Company," and to enlarge the powers of said company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the second, third and fourth sections of the act entitled " An act to incorporate the Alabama and Tennessee River Railroad Company," approved March 4<sup>th</sup>, 1848, which are as follows, after the enacting clause, to-wit : "Section 2d. That the capital stock of said railroad company may be one million of dollars, in shares of twenty-five dollars each, with the privilege of increasing to one million and a half, should said increase be found necessary for its construction and future management." "Section 3d. That said railroad shall extend from some point on the Alabama river, at or near the town of Selma, in the county of Dallas, to some convenient point on the Tennessee and Coosa railroad, and may and is hereby authorized to connect with the same." "Section 4<sup>th</sup>. That so soon as one hundred thousand



dollars shall have been subscribed to the capital stock of said company, the subscribers of said stock, their successors and assigns, shall be and they are hereby declared to be incorporated into a company by the name of the 'Alabama and Tennessee River Railroad Company,' and by that name shall be capable in law of purchasing, holding, leasing, selling and conveying real, personal and mixed property, so far as shall be necessary for the purpose of this incorporation, and by the said incorporated name may sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity in this State or elsewhere; and may have and use a common seal, and the same alter and amend at pleasure; to pass such by-laws, rules and ordinances for the good government of said incorporation as to them shall seem proper; and generally to do all things necessary to carry into effect fully and completely the objects of this act." And the sixth section of the act entitled "An act to amend the charter of the Alabama and Tennessee River Railroad Company," approved February 10<sup>th</sup>, 1853, which said sixth section, after the enacting clause, is as follows, to-wit: "That to remove all doubt which may exist as to the powers of the board of directors of said company, the said board of directors shall be and they are hereby authorized and empowered to issue bonds, in the name and on the faith and credit of said company, in such form, and payable in such time, and bearing such rate of interest (not exceeding eight per cent. per annum) payable annually or semi-annually as the board of directors may prescribe; and the said board of directors shall also have full power and authority to negotiate, pledge, hypothecate, or sell the promissory notes of bond or bonds or obligations of any person or persons, or any other body corporate of which said board of directors may have control; and to secure the payment of any bond or bonds or other obligation of said company, or the interest thereon, or to secure the fulfillment of any contract, or duty, or obligation of said company, full power and authority is hereby given to the board of directors of said company to pledge in such form as the board of directors may think proper, by resolution, or mortgage, or deed of trust, or otherwise, all the means, property and effects of said company, or any part thereof, including subscriptions to the capital stock of the

Amendment.

company and any pledge so made by said board of di-

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rectors, whether by resolution, or mortgage, or deed of trust, or other form of contract, shall be valid and effectual to all intents and purposes. All duties required by this act, or the act to which this is an amendment, to be performed by a sheriff, may be performed by the deputy of such sheriff," be and the said sections of said acts are by this act amended as hereinafter enacted ; and the powers and privileges in addition to this conferred in and by the section and acts aforesaid, and other existing acts relating to said railroad company, specified in the subsequent sections of this act, are hereby conferred upon said company.

Rights and  
privileges.

SEC. 2. *Be it further enacted,* That said railroad company, acting by their board of directors, shall have the right and power to lay out, locate, construct and operate a railroad over such route as may be determined by said board of directors, from such point at or near the town of Jacksonville, in this State, to which their present railroad may be completed, to such point on the line separating this State from the State of Georgia, as the said board of directors may determine ; and all the provisions of the act aforesaid, chartering said company, and of all acts amendatory thereof, so far as the same may be pertinent, shall apply to and form part of the rights and privileges granted in and by this act.

Connection  
with other  
roads.

SEC. 3. *Be it further enacted,* That said railroad company acting by their board of directors shall have the power and right to connect their railroad, or any portion thereof, (including the road or roads which may be constructed under the provisions of this act,) with th e railroad or roads of any other company in this State, or any other State, on such terms as may be agreed with the company or companies owning or controlling the road or roads which may be connected with ; and may united and consolidate their railroad, or any portion thereof, (including the road or roads which may be constructed as aforesaid,) and their stock and franchise, or any portion thereof, with the road or roads and stock and franchise, or any portion thereof, of any other railroad company or companies, in this or any other State, on such terms as may be agree on by and with the interested and contracting companies. And the said Alabama and Tennessee River Railroad company shall have power to purchase and own the stock and railroad, and appurtenances and franchise, or any



portion thereof, of any other company existing in this State

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or any other State, and to subscribe for and own stock in any other railroad company or companies with whose road the road of this said company, or any part thereof, (including the road or roads which may be constructed under the provisions of this act,) may become united or connected on such terms and conditions as may be agreed on by and with the interested and contracting parties; the objects of these provisions being to promote and facilitate, as far as practicable, connections between the railroads and system of roads in this State, and the railroads and system of roads in adjacent States, constructed and to be constructed. All the rights, powers and privileges possessed and to be possessed by the said Alabama and Tennessee River Railroad company under their act of incorporation and other acts, may and shall be extended and applicable to all railroads and railroad companies which may become connected, or united, or consolidated with the road, or stock, or franchise, in whole or in part, of said Alabama and Tennessee River Railroad company, or any road to be constructed by them under the provisions of this act, so far as said rights, powers and privileges may be pertinent or applicable, or can be rendered pertinent or applicable to the companies or roads which may be united or consolidated with, in whole or in part. All contracts or agreements which may be made by said company with any other railroad company or companies, in pursuance of the provisions of this act, and having in view the objects and purposes of these enactments as above declared, (that in the promotion of connections between the railroads of this and of other States,) shall be valid according to the terms thereof, so far as the same shall not be contrary to law.

Privileges as to owning stock in other funds.

Additional privileges.

SEC. 4. *Be it further enacted,* That said railroad company shall have power and they are hereby authorized so to extend their railroad in any direction over such road as their board of directors may determine to connect with any railroad leading to or in the direction of Gadsden, in the county of Cherokee, and they shall have the same power and authority to extend their railroad southward from the city of Selma, crossing the Alabama river, and construct their extended road southwardly river over such route as be determined by their board of directors, so as to connect and form a junction as may be agreed on with any railroad or roads extending from the direction of

Powers to extend and con-

Mobile or from the bay of Pensacola.

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SEC. 5. *Be it further enacted,* That said railroad company, acting by their board of directors, shall be, and they Power to makeare hereby empowered to make all contracts and agree- contracts. ments not contrary to law which may be deemed necessary or advantages in effecting any of the objects contemplated and authorized by this act. They may issue and dispose of their own bonds to such amount and on such terms as their board of directors may deem necessary and proper, and may receive and use and dispose of the Bonds. or person, and may guaranty the same in such manner and form as said board of directors may agree and prescribe, and as security for the bonds of said company which may be sol issued, and the bonds or obligations aforesaid, which they may guaranty as authorized and for all contracts or obligations of said company which may be entered into in furtherance of any of the objects or purposes contemplated in and authorized by this act, the said company acting by their board of directors shall have power to create a lien or liens by mortgage, or deed or Securities. deeds of trust, in such form and with such provisions and conditions as their board of directors shall prescribe, on all the property, means, effects, and rights of every kind, or any part thereof, possessed and to be possessed by said company, which shall be valid and binding according to the tenor and effect of such deed. And the said company acting by their board of directors shall have power to Increase of capital stock. increase their capital stock from time to time to such amount as may be deemed proper, not exceeding the cost of the construction and equipment of the railroads constructed and to be constructed or procured by said company, and may from time to time, as their board of directors may deem necessary and proper in accomplishing the objects and purposes contemplated in and authorized by this act, receive additional subscriptions for stock in their company, and may dispose of stock in their company for the purposes contemplated in and authorized by this act to such amounts and on such terms as may be prescribed by or agreed on with said board of directors,

SEC. 6. *Be it further enacted,* That said company shall have power to change the name of their company, if they Power to change name. shall so desire at any time, for one less inconvenient in length; and in case of change, the corporate name shall be such as the company shall select, and by resolution of

the stockholders in convention shall declare; and under

the new name which may be selected and adopted, shall continue and exist in all respects, with all rights, privileges, liabilities and obligations as under their present name.

Same privileges.

SEC. 7. *Be it further enacted,* That no change in the name of said company, should the name be changed as authorized by this act, nor any thing in this act contained, shall have the effect to release said company from any legal or equitable obligation whatever of said company, but all such obligations shall be and remain in full force after as before the passage of this act.

Change of name no release from obligation.

approved, February 20, 1866.

No. 223.]

AN ACT

To incorporate the Tallapoosa Savings Association.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That James J. Gilmer, Frederick W. Jordan, Noah Felton, William B. Gilmer, Alfred H. Moses, their associates, successors and assigns, be, and they are hereby constituted a body corporate, by the name of "The Tallapoosa Savings Association," with power to sue and be sued, in all the courts having jurisdiction, of purchasing property of all and every description, to make and use a common seal, and the same to alter and renew, at pleasure, and generally to do all and every act necessary to carry out the objects of the corporation, not inconsistent with the laws and constitution of this State.

Corporators.

Name.

Privileges.

SEC. 2. *Be it further enacted,* That said corporators before named, or any two or more of them, may organize the corporation, and may appoint five directors to serve until the first Monday in January, following, or until their successors are chosen and accept, and thereafter on the first Monday in January, in each year, the corporation shall hold an annual meeting, and choose five directors for the year ensuing. The directors shall choose one of their number president of the corporation and of their board, and they shall have power to prescribe rules and by-laws regulating the business of the corporation with its members, and with other persons ; they shall fill vacancies in their number; they shall have power to em-

Organization.

Annual meeting.

Election of directors and President, and their powers.

<p>-----</p> <p>General meet- ing.</p> <p>May change directors.</p> <p>Capital stock.</p> <p>Penalty for default.</p> <p>Terms of mem- bership.</p> <p>Duty as to re- ceiving depos- its.</p>	<p>ploy a secretary and treasurer, one or both, or to combine their duties, and such other officers as may be needful, and shall prescribe the duties of the officers, and take such bonds as may be sufficient, and such officers may be removed by said directors; they shall hold office until their successors are elected and appointed, and said president and directors shall have general supervision and control of the business of the corporation, and all necessary power for that purpose, subject to the action of the corporation in general meeting. The corporation shall hold such general meetings as may be deemed necessary. In case the corporation should deem it advantageous, it may provide for a change of the board of directors, except the president, by two going out and the appointment of two others, quarterly or semi-annually, but no place shall be considered vacated, until the successor is appointed and accepts.</p> <p>SEC. 3. <i>Be it further enacted,</i> That each member of the corporation shall, upon its organization, pay the sum of three hundred dollars, and thereafter the sum of ten dollars on the first of each month, which sums and such others as the association may add thereto, shall be capital stock. The corporation may prescribe the penalty in case of default by a member, and may secure itself against loss, by taking, holding, or applying the interest of the member to the payment of the installments due. The corporation shall prescribe the manner and terms of admission to membership, until compliance with which, no person shall be member ; also may govern as to the withdrawal or expulsion of a member, and the interest of a member shall in such case, be subject to such terms as the corporation may deem its own interest and safety required, and in every case, the interest of a member shall be subject at all times to any debt or liability to the corporation. In case of death of a member, the corporation shall not be required to make settlement within twelve months, and may retain his stock to cover bad or doubtful debts, or two pay any debt or liability to the corporation from such member.</p> <p>SEC. 4. <i>Be it further enacted,</i> That it shall be the duty of the corporation to receive on deposit the savings and earnings of its members, clerks and other persons, that may be offered to it, and to give acknowledgments for such deposits as may be convenient and necessary ;</p>
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to pay to said depositors interest on such terms and rates,



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or without interest, as may be agreed on with the depositors, or as may be provided in the by-laws, in case of no agreement, and to repay the principal, after such notice as may be provided in the by-laws, and upon surrender of such receipts or acknowledgments ; Provided, That said company shall not be compelled to receive a smaller deposit than one dollar, nor to pay interest until the sum of ten dollars shall have been deposited by any one person, nor until it shall have remained for thirty days on deposit.

Interest.

Proviso.

SEC. 5. *Be it further enacted,* That to secure depositors from loss by said corporation, the capital stock of said corporation, and all property owned by it, shall be subject to the debts and deposits of said corporation.

Liability of corporation.

SEC. 6. *Be it further enacted,* That it shall be the duty of the corporation to receive for collection, upon the usual terms, all promissory notes and bills of exchange, made payable at its office, or at any of the banks or banking offices in the city or town where the office of said corporation may be located, and for convenience the office of the corporation may be known as "The Tallapoosa Savings Bank," and all notes and bills of exchange, made payable at its office, shall be governed in all things by the law merchant, as established in this State.

Duty as to re-

ceiving notes and bills for collection.

SEC. 7. *Be it further enacted,* That in order to enable the corporation to pay interest to the depositors, and to discharge the other duties imposed hereby, they are empowered and authorized to lend its funds upon any public stock of this State, or of the United States, or any State of the United States, or any chartered bank or institution of this State, or upon bond and mortgage security, or upon personal security, and may purchase and sell stock of the banks and other chartered corporations of this State, or foreign and domestic exchange, drafts, bullion and uncurrent notes and funds, and that it may acquire, hold and sell real estate as a corporation, and erect buildings thereon, for the use of the corporation, not exceeding thirty thousand dollars in value, and such other real estate, and other property, as may be acquired in the way of securing its debts or claims.

quiring real es-

Powers in using money and acquiring real estate.

SEC. 8. *Be it further enacted,* That the capital of said corporation may be increased to a sum not exceeding five hundred thousand dollars ; Provided, That said corporation are not authorized to sell or purchase stocks on time,

Capital may be increased.

Proviso.

and that the charter, hereby granted, shall be limited to

the period of thirty years, from the time said corporation shall be established, and the charter herein granted, shall be null and void, unless it shall be put in operation in five years from passage of this act.

Approved, February 23, 1866.

No. 224.]

AN ACT

To incorporate the Alabama Mutual Fire Insurance Company.

Corporators.

Name.

Privileges.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Daniel H. Trott, Thomas Cobbs, Robert C. Howie, Josiah L. Scruggs, Benjamin S. Barker, Preston G. Nash, Tully R. Cormick, of the county of Sumter, and their associates and successors, be and are hereby made and constituted a body politic and corporate, by the name of the Alabama Mutual Fire Insurance Company, and by that name may have and use a common seal, sue and be sued, implead and be impleaded, acquire and hold or dispose of such real estate or other property as may be necessary for the transaction of its business, and may make such by-laws, rules and regulations for the transaction of its business as are not inconsistent with the constitution and laws of the United States or of this State, or the provisions of this act.

Objects.

SEC. 2. *Be it further enacted,* That the objects and purposes for which this corporation is created, are to make and effect insurance upon houses, ships, steamboats, goods, wares, merchandise and property of every description against loss or injury by fire, water, tempest or other casualties, and the said company shall have full power to make such insurance upon such terms as they may think proper.

Capital Stock.

SEC. 3. *Be it further enacted,* That the capital stock of the said company shall be at least fifty thousand dollars, and may be increased from time to time to any amount, not exceeding five hundred thousand dollars, to be divided into shares of one hundred dollars each, to be subscribe for and paid or secured as hereinafter provided.

SEC. 4. *Be it further enacted,* That the corporators

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named in the first section of this act, or a majority of them, may and shall within three months after the approval of this act cause books of subscription to be opened under their supervision, or the supervision of such of them as commissioners for that purpose, at such time or times, and at such place or places as they may think proper, in the county of Sumter, for subscriptions to the capital stock of the said company, and the said books of subscription shall be kept open until the sum of at least fifty thousand dollars has been subscribed for, and after that amount has been subscribed for, the said corporators may keep the said books of subscription open for further subscription, not exceeding in the whole the amount of five hundred thousand dollars, for such length of time as they may think proper.

Books of sub-  
scription.

SEC. 5. *Be it further enacted,* That each and every subscriber to the stock of said company shall at the time of subscription pay to the person or persons receiving the subscription for the company, ten per cent, upon the amount subscribed for by him, and for the residue of the amount subscribed, shall execute his promissory note, payable to the said company on demand without interest, with such securities thereto as may be required by said commissioners ; and each such note that it is given for stock subscribed for in said company, and subject to the conditions provided in the charter of the company in regard to stock notes. The money so paid and the notes so executed shall constitute the capital stock of said company, and the notes so executed shall be delivered by the commissioners receiving them to the secretary of said company as soon as conveniently may be after such secretary has been elected and qualified. No payment shall be required to be made on said notes, unless and until each payment may be required by losses sustained or expenses incurred by the company, and be ordered or called for by a vote or resolution of the president and directors, of said company, whenever the losses and expenses shall exceed its profits so as to make a payment on said notes necessary to discharge the liabilities of the company, it shall be the duty of the president and directors of the company, and they shall have the power, to cause a call for such payments to be made from time to time as may be necessary, and the sum so required and called for, shall be assessed and apportioned rateably upon

Payments in  
each.

Payments in  
notes.

Basis of capital  
stock.

When payment  
required.

Manner of pay-  
ment.

the stockholders. Reasonable notice of such call shall

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Penalty on defaulters.	<p>be given to each stockholder in such manner as may be prescribed by the by-laws or regulations of the company, or in the absence of such by-laws or regulations as may be prescribed by the vote or resolution of the president and directors making the call. If any stockholder shall fail to make payment of the amounts so assessed against him, for ten days after such notice thereof, the whole amount due on his notes, with interest thereon from the time of the call, shall be due and payable, and may be sued thereof. Every payment so made shall be credited upon the proper note until the note is wholly paid. No stockholder shall be personally liable for the debts, losses or liabilities of the company beyond the amount of the note given by him.</p>
Liability of stockholders.	<p>SEC. 6. <i>Be it further enacted,</i> That the business and affairs of the company shall be managed by eleven directors elected by the stockholders, and the directors so elected shall choose one of their number to be president of the company. No person shall be elected as a directors unless he is at the time of his election a stockholder in said company. At every election of directors each stockholder shall be entitled to one vote for each and every share of stock held by him.</p>
President and directors how elected.	<p>SEC. 7. <i>Be it further enacted,</i> That the president and directors shall elect a secretary of the said company ,and may elect or appoint such other officers and agents as they may think necessary for the proper management of its affairs, and may prescribe the duties and fix the salaries of the secretary and such other officers and agents, and may require such of them as they think proper to execute such bonds with security for the faithful discharge</p>
Secretary and other officers.	<p>of their official duties respectively, in such sum or sums, and in such form as they may prescribe or approve.</p>
Salaries and duties.	<p>SEC. 8. <i>Be it further enacted,</i> That the said company shall be located and have its principal office or place of</p>
Bonds.	<p>business in the town of Livingston, and may establish agencies or branches in such other places as they may think proper.</p>
Places of busi- business ness.	<p>SEC. 9. <i>Be it further enacted,</i> That the persons named as corporators in the first section of this act shall be first directors of the said company, and shall continue to act as such until a new board of directors shall be elected by a general meeting of the stockholders ; Provided, That if any of the said persons so named shall fail or refuse to</p>
1 <sup>st</sup> directors..	

subscribe for stock in the said company within ten days

after the books of subscription to said stock are opened, he shall cease to be a directors, and the others named who do so subscribe shall be directors. As soon as conveniently may be done after the books of subscription to the stock of said company are closed, a general meeting of the subscribers shall be called by the persons named as corporators in the first section of this act, or a majority of them, at such time and place in the town of Livingston as they may appoint, for the purpose of electing directors of said company, and reasonable notice of the time and place of such meeting shall be given by advertisement in one or more newspapers published in the county of Sumter, and at each meeting the subscribers to the stock shall elect eleven directors of the company. Each stockholder shall have one vote for each share of stock held by him, and may vote for eleven or any less number of persons as directors, and a plurality of votes case shall elect.

General meeting and its objects.

Notice.

Manner of voting.

SEC. 10. *Be it further enacted,* That an annual meeting of the stockholders of said company shall be held at the office of said company in the town of Livingston, on the second Monday in June of each year, at which meeting, a report shall be made to the meeting by the president and directors of the company, of the transactions of the company for the preceding year, and of the condition of the company ; and an election shall be held for directors of the company for the ensuing year ; but any general meeting of the stockholders may by resolution, appoint a different time for holding the next general meeting of the stockholders. The president and directors may for special purposes, call a general meeting of the stockholders at such other times as they may think proper. At every general meeting of the stockholders, the president of the company, or, in his absence, one of the directors shall act as temporary president of the meeting until the meeting has elected a permanent president, and the secretary of the company, or in his absence, such person as the presiding officers shall appoint, shall act as temporary secretary of the meeting, and until the meeting shall elect a permanent secretary. Upon all questions raised or voted on at a general meeting of the stockholders, any stockholder present may require a vote by stock, and thereupon each member, shall be entitled to one vote for each share of stock owned or represented by him ; otherwise,

Annual meeting.

Report of the company.

General meetings and mode of proceedings.



such stockholder present shall be entitled to only one

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Proxy.	vote. At such general meeting, stockholders may vote by proxy or agent ; but no person shall be admitted to vote as proxy or agent for another unless he is himself a stockholder in the company. The meeting shall judge of and determine the genuineness and sufficiency of any proxy presented or claimed.
Term of office.	SEC. 11. <i>Be it further enacted,</i> That the directors elected at any general meeting of the stockholders shall continue in office until their successors are elected, or they forfeit their office. A person elected as director shall forfeit his office, and cease to be a director by his ceasing to be a stockholder of the company, or by his absenting himself from the county of Sumter for more than six months at any one time without the consent of the president and directors. The president and directors may fill vacancies occurring in their own body by death, resignation, or forfeiture.
Forfeiture of office.	
Vacancies.	
Certificate and form in transfer of stock.	SEC. 12. <i>Be it further enacted,</i> That the president and directors of th company may prescribe th manner and in which certificates of stock in the company shall be issued, and the manner and form such stock is transferred, and the company shall have a lien on the stock of each stockholder for any debts or liabilities of such stockholder to the company, and may refuse to allow the sale or transfer of such stock until such debt or liability is discharged.
Lien on stock.	
Statement of condition of company.	SEC. 13. <i>Be it further enacted,</i> That in the month of June of each year, or at such other time as the board may determine, the president and directors of the company shall make, or cause to be made by the proper officer of the company, an estimate of the profits and losses of the company, and also a statement of all cash paid into the company for or on account of premiums for the preceding twelve months, and by who paid, which statement shall be verified by affidavit and filed with the papers of the company for the examination and information of all parties interested. And if it shall appear from such statement that the profits of the company do not exceed its losses and expenses by more than five thousand dollars, the president and directors shall make no dividend to the stockholders, and shall not award any return premiums to the income ; but such excess of profits shall be kept by the company as a reserve fund to meet future losses or liabilities. But if it shall appear from such statements
Reserved fund.	

that the profits of the company exceed its losses and ex-

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penses by more than five thousand dollars, then the president and directors shall reserve and set apart a poriton thereof, not less than five thousand dollars, nor more than one-half of such excess, as they may think proper, to be kept by the company as a reserve fund, and the residue of such excess shall be ratably apportioned and divided between the several stockholders and insurers according to the amount of stock held by each stockholder, and the amount of premiums paid by each insurer, and shall order the proper per centage to be paid to the several insurers as return premiums, and the dividends awarded to the stockholders shall be entered as a credit on their stock notes respectively until said notes are fully paid. But if any stockholder has paid his stock note in full, his dividend shall be paid in money.

Dividends.

Return premiums.

SEC. 14. *Be it further enacted,* That any subscriber to the stock of said company may, at the time of his subscription pay in cash all or any part of the amount subscribed for by him, not less than ten per cent. on the whole amount, and any stockholder may, afer subscription, pay the whole or any part the stock note given by him. If the profits of the company exceed its losses and expenses, the company shall allow and pay to the stockholders who have paid money to the company on account of their subscriptions, interest on the amount so paid in by them respectively from the time of such payment, at at the rate if eight per cent. per annum. This payment of interest shall be considered part of the expenses of the company, in making their semi-annual estimates and statements for the purpose of declaring dividends and return premiums as herein provided.

May pay in cash.

Interest, when paid and its disposition.

SEC. 15. *Be it further enacted,* That the president and directors may at any time require a note given for stock to be renewed, or further or other security to be given; and they shall require such renewal before a recovery on any such note is barred by the statute of limitations, and if a party fails to renew such note within ten days after notice, the whole amount due on such note shall be payable, and it may be put in suit.

Renewals and security.

SEC. 16. *Be it further enacted,* That the said company may use its money, whether arising form capital or earnings, in lending out he same at lawful interest on such security as it may think proper, or in discounting or purchasing promissory notes or bills of exchange.

Privileges in using money.

SEC. 17. *Be it further enacted*, That the corporate au-  
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 Forfeiture of  
 and term of  
 charter.

Subject to  
 other laws.

Repeal.

thority hereby granted shall be forfeited unless the company hereby authorized to be formed is actually formed and organized within one year from the approval this act; and when organized, the said company may continue for twenty years for the approval of this act. The company hereby created shall be subject to such general laws as are now in force, or may hereafter be enacted in regard to similar corporation.

SEC. 18. *Be it further enacted*, That all laws and parts of laws contrary to the provisions of this act be, and they are hereby repealed.

Approved, February 20, 1866.

No. 225.]

AN ACT

To incorporate the Coosa petroleum and Mining Company.

Corporators.

Name.

Privileges.

Objects.

Privileges.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Lewis E. Parsons, James Berney, Wm. Garrett, Lewis Owen, Geo. Cowles, James Foreman, Albert Elmore, S. D. Seelye, Randolph Lindsey and W. O. Baldwin, and such other persons as may be associated with them, and their successors be, and they are hereby made and constituted a body corporate, under the name and style of the "Coosa Petroleum and Mining Company," and by that name they shall be capable in law to hold, purchase, secure, possess and enjoy, to them and their successors, real and personal property to any amount they may deem useful in carrying all the objects of said corporation into full force and effect, which objects are to bore or mine for rock-oil, or petroleum, and the purchase, leasing, development and working of oil lands in fee simple or under lease, the purchase or leasing, development and sinking and working of oil-wells and the sake and disposition of such lands, leases and wells, and also to mine coal, iron, copper, and the minerals, and to transport and sell said petroleum, minerals, and metals in a crude or prepared state, and the same to prepare for market, in any manner they may deem most advantageous; and by that name to sue and be sued, plead and be impleaded, answer and be answered, defend and be defend

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ed, in all courts having jurisdiction, and the corporation shall have power to make, use and have a common seal, and to break, alter and renew the same at pleasure; Provided, however, that said corporation shall be organized in accordance with the provisions of this charter, within three years for the date of the approval of this act.

Proviso.

SEC. 2. *Be it further enacted,* That the capital stock of said company or corporation shall be one hundred thousand dollars, and the number of shares shall be one thousand, of one hundred dollars each, and the said incorporation may increase the amount of capital stock to one million of dollars, and the number of shares to ten thousand ; Provided, nevertheless, That the rules dopted shall be uniform, equally securing the rights of each stockholders.

Proviso.

SEC. 3. *Be it further enacted,* That the stockholders of said corporation shall have power to elect a board of directors, who shall elect such officers as they deem necessary to conduct and manage the affairs of said corporation, and by a vote of a majority of the directors, or of the stockholders, to make such by-laws, and pass such resolutions, and the same to put into execution, as they may judge expedient for the interest of such corporation, not being inconsistent with the Constitution of this State, nor of the United States.

Directors and other officers.

By-laws.

SEC. 4. *Be it further enacted,* That if the officers be not elected on the day appointed by the by-laws, the corporation shall not, for that cause, be dissolved, but those in office shall hold until their successors have been elected.

Tenure of office.

SEC. 5. *Be it further enacted,* That the said corpra-tion have the right to construct railways or other roads, from their mines or places of operation, to such point or points as may be most convenient and practicable to establish direct communication with any public railroad or navigable river ; and it shall be entitled to acquire the right of way for such roads and the necessary turn-outs, and such land as may be necessary for depots, an in acquiring the right of way for main roads and the necessary turn-outs and the land for depots, the corporation shall in all such cases make just compensation to the owner or owners of such lands before acquiring any right to the same; and that said corporation may levy and collect fare, freight and tolls for the use of such road constructed by them.

Right of way.

Compensation for tolls.

SEC. 6. *Be it further enacted*, That in order to facili-



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Water privileges

tate the operations of said corporation, it is hereby invested with the right to erect dams and construct such works on water courses as they may deem necessary to the propelling of machinery required to facilitate and carry on successfully the operations of said corporation; Provided, That the same shall not interfere with any similar franchise of other persons, or obstruct any navigable stream.

Proviso

Approved, February 22, 1866.

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No. 226.]

AN ACT

To authorize the incorporation of companies for improving Burial Grounds.

Corporators and trustees.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General assembly convened, That the owners of any lot, in any graveyard, wishing to become incorporated, must elect trustees, not less than three, nor more than fifteen.

Duty of Trustees.

SEC. 2. *Be it further enacted,* That such trustees must within thirty days, after their election, file in the office of the judge of probate of the county, a certificate stating the corporate name selected ; the names of the trustees ; the length of time for which they are elected, which must be subscribed by the, and recorded in the office of such judge of probate.

Name

SEC. 3. *Be it further enacted,* That the owners of lots in such grave-yards, are from the filing of such certificate incorporated by the name specified therein.

Evidence of corporation.

SEC. 4. *Be it further enacted,* That all certificates filed and recorded under this act, when certified to by the judge of probate, are evidence of the existence of such corporation.

Privileges of corporators.

SEC. 5. *Be it further enacted,* That corporations created under this act, may hold real and personal property; may receive property by gift, will or devise, holding the same in conformity with all lawful conditions imposed by the donor, and exercise all powers necessary for the proper governing, beautifying, improving, and taking carry of said grave-yard, and may make such by-laws, rules, and regulations, as are proper or necessary to secure such objects, and in all things pertaining to the powers herein

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provided for, as fully, as any corporation might, or could do.

SEC. 6. *Be it further enacted,* That when such grave-yard is wholly under the control or direction of persons belonging to any one denomination of faith, the elder, deacon, bishop, minister or priest, of such denomination in the city, town, village, or county, being the head of such denomination, shall be *ex-officio*, the chairman of such board of trustees ; and when such grave-yard is under the control or direction of persons of different denominations, then the elder, deacon, bishop, minister, or priest, being the head of such denomination interested, shall be members of said board.

Chairman of board.

Members,

SEC. 7. *Be it further enacted,* That in all suits, or legal proceedings, the service of a summons, or notice on any trustee of a corporation created by this act, is valid for the purpose of bringing such corporation into court, or for the objects of the notice.

Service of summons.

SEC. 8. *Be it further enacted,* That the judge of probate is entitled to a fee of two dollars for filing, recording, and certifying under this act.

Judge of probate fee.

Approved, February 23, 1866.

No. 227.]

AN ACT

To incorporate the Warrior Petroleum Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Rufus H. Clements, Joseph P. Turner, E. R. Vaughn, F. H. Hemphill, A. B. Starke, A. B. McEachen, H. M. Sommerville, J. R. Blocker, James A. Bozeman, Alfred battle, and their associates, be, and they are hereby constituted a body corporate and politic, by the name of "The Warrior Petroleum Company," and by that name may sue and be sued, plead and be impleaded, in any of the courts of this State; may have and use a common seal.

Corporators.

Name.

Rights.

SEC. 2. *Be it further enacted,* That said corporators shall have th right to elect a board of directors annually, at such time, and place as they may designate, after giving, at least ten days notice of such election, in a newspaper published in the city of Tuscaloosa, of the time

Directors.

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President.	and place of said election, who shall continue in office one year, and until their successors are qualified ; and said board of directors, shall elect out of their number, a president, who shall continue in office one year, and until his successor is elected and qualified.
Rights.	SEC. 3. <i>Be it further enacted,</i> That said company shall have the right to buy or lease lands, for the term of its corporate existence, for the purpose of boring for petroleum, and for the erection of such buildings and fixtures, as may be necessary for the carrying on of its business.
By-laws.	SEC. 4. <i>Be it further enacted,</i> That said corporation shall have power to make such by-laws, and adopt such rules and regulations as they may deem proper, for the government and regulation of their business, not inconsistent with the constitution or laws of this State, or of the United States.
Capital stock.	SEC. 5. <i>Be it further enacted,</i> That the capital stock of this corporation shall be one hundred thousand dollars to be divided into shares of one hundred dollars each.
Place of business.	SEC. 6. <i>Be it further enacted,</i> That the place of business of said company shall be the city of Tuscaloosa, unless the stockholder deem it best to alter its location, of which alternation or change, due notice must be given, by advertising in some newspaper of general circulation, published in the city of Tuscaloosa, for at least four weeks before such change.
Term of charter.	SEC. 7. <i>Be it further enacted,</i> That this act shall be in force for thirty years.

Approved, February 22, 1866.

No. 228.]

AN ACT

To amend an act to incorporate the Union Express Company.

Original acts  
to be amended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the third section of an act entitled an act to incorporate the Union Express Company, approved December, 1865, which said third section is in the following words, to-wit : Section 3. That any railroad company is hereby authorised to subscribe for or own any interest in the capital stock of said company to any amount

not exceeding two hundred dollars for each and every mile of railway owned and operated by said company, provided the amount of stock so owned by said railroad companies shall not in the aggregate exceed two-thirds of the capital stock of said express company ; the other one-third of stock may be subscribed for or owned by other persons, but no one person, other than railroad companies, shall subscribe for, or own, at any one time, over ten thousand dollars of said capital stock. Should the amount subscribed by railroad companies, in the aggregate, be more than two-thirds of the capital stock, then the subscription shall be reduced pro rate to bring the aggregate amount within the proper limits, and in like manner, if the other subscriptions shall amount to over one-third of the capital stock that shall be reduced within the proper limits in the same way. Should the company determine to increase the capital stock as herein provided for, then the amounts authorized to be subscribed or owned by each railroad company, and each individual, may be increased under the rules and regulations which may be prescribed by said company ; but the proportion of two-thirds and one-third between railroad companies and other subscribers, is to be perpetually kept up, and on one person, other than railroad companies, is authorized to subscribe for, or at any one time own ten thousand dollars of the stock. No railroad company, or other person, will be authorized to sell their stock, or any party thereof, unless by consent of this company, or unless the party offering to sell first gives this express company an opportunity of purchasing the same at its market value. In the event any subscriber or stockholder shall fail or refuse to pay the installments on his stock as called for, the company shall have power to forfeit the same, and in all cases the company shall hold a lien on the stock for unpaid installments and other indebtedness to said company, which said third section above set forth be, and the same is hereby amended, as follows, to-wit : by striking out the words "two-thirds" and "one-third" where they occur in said section, an inserting in lieu thereof the words "one-half," and by striking out the word " ten" where it occurs before thousand dollars, and insert in lieu thereof "twenty-five."

Approved, February 22, 1866.

Amendment.

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No. 229.]

AN ACT

To incorporate the Alabama, Tennessee, and North-Western Oil and Mining Company.

Corporators.	SECTION 1. <i>Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,</i> That John V. Farwell, James O. Thompson, and Walter S. Carter, their associates, successors, and assigns, be and they are hereby created, constituted and declared a body politic and corporate for the period
Name.	of twenty-five years, by and under the name and style of “The Alabama, Tennessee and North-Western Oil and Mining Company,” and by and under that name and style may sue and be sued, plead and be impleaded, answer and be answered unto, contract and be contracted with,
Privileges.	have a common seal, and the same alter or renew at pleasure, purchase, lease, or otherwise receive estate, real, personal or mixed, and sell, lease, mortgage, or otherwise dispose of the same, and have all rights, immunities and privileges of corporations not inconsistent with the constitution of the State, nor of the United States ; <i>Provided,</i> That nothing herein contained shall be so construed as to confer banking privileges upon said corporation.
Proviso.	
Business of company.	SEC. 2. <i>Be it further enacted,</i> That the business of said corporation shall be the production of petroleum, coal, rock or carbon oil, or other valuable mineral or volatile substances by mining, manufacturing, or otherwise the refining, smelting, assaying and vending of the same; and for these purposes said corporation may erect all
Privileges.	needful buildings, machinery and fixtures, construct roads, and do any and all things necessary to the full carrying into effect of the rights, immunities, and privileges herein granted.
Capital stock.	SEC. 3. <i>Be it further enacted,</i> That the capital stock of said corporation shall be in such amount as the board of directors may determine, not exceeding one million dollars, to be divided into shares of one hundred dollars each ; said stock to be considered personal property transferable only on the books of the corporation in person, or by attorney, and to be subscribed, paid for, and forfeited in such manner as the board of directors may prescribe.

SEC. 4. *Be it further enacted,* That the officers of said

corporation shall consist of a president, vice president, secretary, treasurer, and not less than three nor more than nine directors, who shall hold office for one year, or until their successors are lawfully chosen, have power to make all needful rules, regulations and by-laws for the government of the corporation not inconsistent with the provisions of this charter, perform all the duties, have all the rights, and be subject to all the liabilities of such officers.

SEC. 5. *Be it further enacted,* That the corporators named herein, or a majority of them, at any time within one year from the date of the passage of this act, may organize said corporation by electing directors of the same; but all subsequent directors shall be chosen by the stockholders, and in cases of the failure of said corporation to elect directors at the time prescribed by law, the same shall not for that cause be deemed dissolved ; but an election may be held at any other time which the board of directors may appoint.

SEC. 6. *Be it further enacted,* That this act shall take effect from and after its passage.

SEC. 7. *Be it further enacted,* That the principal office of said corporation shall be in the State of Alabama.

Approved, February 22, 1866.

No. 230.]

AN ACT

To incorporate the Eutaw Savings Bank.

SECTION 1. *Be it enacted by the Senate and house of Representatives of the State of Alabama in General Assembly convened,* That Foster M. Dirksey, William Perkins, Wiley Coleman, John N. Carpenter, John J. Winston, Samuel W. Dunlap, Newton F. Smith, James R. Ward and Thomas C. Clark, or such of them and others as shall become subscribers thereto, and their successors, be and are hereby created a body corporate, by the name and style of the "Eutaw Savings Bank," for a term of thirty years.

SEC. 2. *Be it further enacted,* That the said Savings Bank shall be located in the town of Eutaw, in the county of Greene, and the capital stock of the same shall not exceed one hundred thousand dollars, one-half of which

1865-6.

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Officers of company.  
Tenure of office and powers.

Organization.

Election of directors.

Date.

Location of office.

Corporators.

Name.

Term.

Location.

Capital stock.

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<p>Objects and duties.</p> <p>Privileges in receiving deposits and paying interest.</p>	<p>must be paid in gold and silver, to be divided into shares of one hundred [dollars] each, all of which must be subscribed for by individuals.</p> <p>SEC. 3. <i>Be it further enacted,</i> That the objects and duties of said bank shall be to receive and deposit for safe-keeping the earnings and savings of working people and others, and to give to such depositors receipts or other vouchers for said deposits, to pay to said depositors interest on such terms and legal rates as may be agreed upon with the depositors, or may be provided for in the by-laws, in the absence of special agreements, and to repay the principal to the several depositors on their call, order or check, or on the surrender of receipts or other vouchers; but said bank shall not be compelled to receive a smaller deposit at any one time than five dollars, and shall not be compelled to pay interest until the amount of twenty-five dollars shall have been deposited or accumulated by any one depositor.</p>
<p>Where to open place in books of subscription.</p>	<p>SEC. 4. <i>Be it further enacted,</i> That any three or more of said corporators shall, on the first Monday in April, 1866, after giving three weeks' notice of the time and</p> <p>in a newspaper published in the town of Eutaw, open books for the subscription of stock in said bank, which books shall be kept open for a least five days, unless said amount of one hundred thousand dollars be sooner subscribed, and each subscriber shall pay in, on</p>
<p>Payments of stock.</p>	<p>subscribing, ten per cent, on the amount subscribed, and ten per cent, on or before the first Monday in each month thereafter, until the whole amount is paid in, one-half of which amount of per centage shall be in gold or silver ; but any subscriber may, if he thinks proper, pay in his subscription at earlier days than above limited, and in such cases interest shall be equalized with the other stockholders upon equitable principles.</p>
<p>When to elect directors.</p>	<p>SEC. 5. <i>Be it further enacted,</i> That whenever the sum of one hundred thousand dollars shall have been subscribed, one-half of which shall have been actually paid in gold and silver, said subscribers or stockholders may proceed to elect five directors, to be elected annually thereafter, each share to be entitled to one vote at said elections, one of which directors shall act as president, and said directors shall then elect a cashier, whose compensation shall be fixed by the, after which said bank shall go into operation.</p>
<p>President and cashier.</p>	



SEC. 6. *Be it further enacted,* That said bank shall have

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a common seal, may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any suit or matter pending in any court of law or equity, may acquire and hold, as a corporation, real and personal estate sufficient only for its business uses and purposes, and such real and personal estate as may be acquired in the way of security or by legal collection of its dues, and to loan its surplus fund on securities, discount and deal in money, notes, bills of exchange, bonds, mortgages and securities of all kinds, to make and issue banknotes payable on demand to bearer, not to exceed at any time or have in circulation more than three times the amount of gold and silver on hand, to make all contracts and transact all such business as is usually transacted by banks and as are within the scope of banking operations.

Privileges and powers.

SEC. 7. *Be it further enacted,* That the Bank may at its option receive in payment or on deposit United States treasury notes, commonly known as legal tender notes, and pay out the same on loans, checks, orders, drafts or discount, and may at its option receive on deposit notes of the banks of this or other States, or notes commonly called national currency notes, but shall not pay out the same except to the party or parties depositing such notes, unless by consent of the depositor or payee.

Discretionary powers.

Restriction.

SEC. 8. *Be it further enacted,* That the directors of said Bank shall frame and adopt by-laws and regulations for the government of said bank, for the management of its business, for the transfer of stock, for the loan and collection of its funds, and for such other business as may be proper ; Provided, Nothing in said by-laws and regulations shall be contrary to the laws of this State, or of the United States.

By-laws and regulations.

Proviso.

Approved, February 23, 1866.

No. 231.]

AN ACT

To incorporate the Tallapoosa Water Power and Manufacturing Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That James J. Gilmer, Frederick W. Jordan, Noah Felton, William B. Gilmer, Alfred H. Moses,

Corporators.

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Name.	and their associates, successors and assigns, are hereby created and made a body politic and corporate, by the name of "The Tallapoosa Water Power and Manufacturing Company," and by that name shall be capable in law and equity, of suing and being sued, pleading and being impleaded, in any of the courts of law or equity; to made and have a common seal, and the same to change, alter and renew at pleasure, and generally to do any act, and establish such by-laws for the organization and regulation of said company as may be deemed necessary by the parties aforesaid, to carry into full effect all the powers herein granted, not inconsistent with the constitution of this State or the United States, or repugnant to the stipulations hereinafter set forth and enacted by the authority aforesaid.
Privileges.	
Water privileges, &c.	<p>SEC. 2. <i>Be it further enacted,</i> That said company shall have the right to lock and dam the Tallapoosa river—the eastern bank of said river from the southern boundary of section nineteen, to the centre or half section line of section eighteen ; and thence, the eastern and western banks of said river, either or both, to the northern boundary of section seven ; all of said sections being in township eighteen and range twenty-two; to construct such canals, dams and other works, as will enable them to create, regulate and control the water power at said places, for the purpose of propelling the machinery of said company, and to let to other, on such conditions, and for such consideration as may be agreed upon, the water power so created, regulated and controlled ; and to manufacture cotton and woolen goods, and such other articles as they may deem proper.</p> <p>SEC. 3. <i>Be it further enacted,</i> That said company shall have the right to purchase, lease, receive and hold such real and personal estate, as they may deem necessary or convenient, for the purpose of carrying into full effect all the powers herein granted, and may by their agents, engineers and servants enter upon all lands and tenements, upon or through which they may deem it necessary to erect buildings or construct works for the purposes herein-before set forth, and to survey, locate, and contract for tenements, with the owners and managers thereof, and when the company and the parties owning or controlling the same, cannot agree as to the damages thereto, it shall be lawful to proceed in the assessment of said damages,</p>
Rights.	
Rights of way and compensation therefor.	

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as set forth in sections nine, ten and eleven, of an act entitled “ an act to incorporate the Russell railroad Company,” approved February 10<sup>th</sup>, 1852.

SEC. 4. *Be it further enacted,* That the capital stock of said company shall be two hundred and fifty thousand dollars, with the privilege of increasing the same to one million dollars, to be divided into shares of one hundred dollars each, and the same to be paid in the manner following, to-wit : ten dollars per share at the time of subscription, or at the first meeting of the stockholders, or whenever the parties to the first section of this act, or a majority of them, may direct, and the residue at such times, and in such amounts, as the president and directors may direct. The said stock shall be deemed and held as personal property, and if any stockholder shall refuse or neglect to make either of the payments as required, after ten days notice, in a daily newspaper, published where the office of the company, or that of any of its agencies nearest to the residence of the stockholder, may be located, or by written notice from the secretary, his stock may be sold by order of he president and directors, and such stockholder shall be liable for the balance due by him as stockholder, to said company, as it shall become due.

Held as personal property.

Notice.

SEC. *Be it further enacted,* That the books of subscription shall be opened at any time after the passage of this act, at such place as a majority of the persons named in the first section of this act may direct, which books shall remain open until at least sixty thousand dollars shall have been subscribed. As soon as at least sixty thousand dollars shall have been subscribed, the aforesaid persons or a majority of them shall have power, and are hereby authorized to call a meeting of the stockholders, by giving them ten days notice as directed in section four of this act, stating the purpose, hour and place of meeting. This meeting of stockholders shall proceed to the election of not less than seven directors, who shall be elected to serve one year, and until their successors ae elected and ready for duty. The annual meeting of the stockholders shall be held on the second Monday of January, in each year.

Books of subscription, &c.

Meeting.

Directors.

Annual meeting.

SEC. 6. *Be it further enacted,* That each stockholder shall be entitled to one vote for each share of stock held by him, and a majority of stock represented shall consti-

Voting and

tute a quorum. Stockholders may be represented by

quorum.

<p>-----</p> <p>Proxy. Proviso.</p> <p>President.</p> <p>Vacancies.</p> <p>Various powers.</p> <p>Liability of company.</p> <p>Taxation.</p> <p>Term of char-</p>	<p>proxy, and the power to vote for absent stockholders may be constituted by any written expression of the stockholders appointing a proxy to vote for him ; <i>Provided</i>, That no one not a stockholder shall be capable of acting as proxy for another.</p> <p>SEC. 7. <i>Be it further enacted</i>, That the directors elected as prescribed in section five of this act, shall elect a president out of their own number for a term of one year, or until his successor is elected and on duty. A majority of the directors shall constitute a quorum, and they shall have the power to fill any vacancies that may occur in their own body, and also appoint a president <i>pro tempore</i> when the president may be absent from their meetings ; and if the president, or any directors, shall be absent without leave for five successive regular meetings of the board, a majority of the same may declare his place vacant, and proceed to fill the vacancy without notice to such absent president or director.</p> <p>SEC. 8. <i>Be it further enacted</i>, That the president and directors shall have the right to fix the places and mode of transfer of certificates of stock, as well as the as the payment of dividends, to make and pass such by-laws as they may deem necessary to carry this act into effect, and to execute and authorize the execution of all such bargains and contracts as may appear to them best for the interest of the company. They shall also have the power to open agencies at any place or places they may deem necessary for the transaction of the business of the company; they shall have the power and authority to appoint and remove at pleasure all officers and agents of said company, to fix their compensation, prescribe their duties, and provide for the taking of bonds from them, for the security of said company, and for the faithful performance of their duties.</p> <p>SEC. 9. <i>Be it further enacted</i>, That said company shall be responsible to their creditors to the extent of all the property and assets of said company, and the stockholders to the amount of their unpaid stock.</p> <p>SEC. 10. <i>Be it further enacted</i>, That the property-, funds and business transactions of said company, shall be subject to the same taxation imposed by law on the property, funds and business transactions of like corporation.</p> <p>SEC. 11. <i>Be it further enacted</i>, That this charter, and all the rights, powers and privileges herein granted, shall</p>
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ter, &c.

continue in force for thirty years from the organization of

said company, by the election of at least seven directors, and when liquidated, it shall be under the president and directors, or according to law.

Approved, February 22, 1866.

No. 232.]

AN ACT

To incorporate the town of Tuskegee, in the account of Macon.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the town of Tuskegee, in the county of Macon, be and the same is hereby incorporated, and the corporate limits of said town shall embrace an area of land two and half miles square, the boundary lines of which shall be equi-distant east and west, north and south from the centre of the present court house of said county. And the present and further inhabitants of the said town of Tuskegee, as by this act incorporated, shall be and they are by this act made and constituted a body corporate and politic, under the name and style of "The town of Tuskegee," under and by which name and style, and acting by and through the proper officers of said incorporation hereafter to be designated, all the corporate powers and privileges of said town by this act granted, shall be executed and carried into effect. And under its corporate name aforesaid, the said town incorporation shall sue and be sued, plead and be impleaded, answer and be answered, in all manner of suites either in law or equity ; may keep a common seal and the same may break, alter, or amend at pleasure ; may purchase, receive and hold, sell, grant, alien and assure or let property, real and personal, for the benefit of said town, to the value of twenty-thousand dollars.

Corporate limits.

Boundaries.

Name.

Powers.

Privileges.

SEC. 2. Be it further enacted, That the government of said town shall be styled " the town council of Tuskegee," and shall consist of an intendant and four councilmen, inhabitants of said town, who shall serve for the term of one year, and until their successors shall be duly elected and qualified, each to be elected by the legal voters of the town, who shall consist of all white male persons of the age of twenty-one years and upwards who

Style of government, and of whom to consist.

How elected and qualification of voters.



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Proviso.	have resided within the limits of said town for the space of six months next preceding the election at which they propose to vote, and all white male freeholders ; Provided, That no person shall be allowed to vote who has failed or refused to pay all taxes due from him to the said town.
Qualification of intendant and councilmen.	SEC. 3. <i>Be it further enacted,</i> That the intendant and councilmen shall have been residents of the said town of Tuskegee for twelve months next preceding election or appointment, and hold a fee-simple title to real estate of the value of two hundred dollars, and each of them shall be <i>ex-officio</i> justices of the peace while in office, for the purpose of carrying into effect all the laws, by-laws and ordinances that may be enacted or passed by the said board of intendant and councilmen.
Ex-officio powers.	
Qualification how determined.	SEC. 4. <i>Be it further enacted,</i> That the qualifications of the intendant shall be determined by the councilmen, and the qualifications of any councilman by the intendant and the other councilmen, and each of the, and also the clerk, marshal, and other officers hereinafter provided for, shall, before that enter upon the discharge of their duties, take and subscribe the following oath, (or affirmation,) to-wit : “I, A. B., intendant or councilman, clerk or marshal, or any other officer, as the case may be, do solemnly swear (of affirm) that I will, to the best of my ability, skill, and knowledge, without partiality, and without fear, favor, or affection discharge all the duties incumbent on me as intendant or councilman, clerk or marshal, or other officer, as the case may be, of the town of Tuskegee, so help me God” ; which oath or affirmation shall be filed with the records.
Oath of office.	
Time of holding elections.	SEC. 5. <i>Be it further enacted,</i> That all elections for intendant and councilmen of the said town of Tuskegee shall take place on the first Monday in March in each and every year, but should any election not take place on the day appointed, the corporation is not for that cause dissolved, but the intendant and councilmen remain in office until their successors are elected and qualified, and they shall proceed to appoint some other day as early as may be, not beyond thirty days, on which the election shall be held.
Majority necessary to transact business.	SEC. 6. <i>Be it further enacted,</i> That for the transaction of all business, (other than is hereinafter specially provided for,) a majority of the board of intendant and

councilmen shall be necessary, but a less number may

make adjournment from time to time, and from day to day, and the board may by its by-laws compel the attendance of its members by a reasonable fine; Provided, That in all cases, reasons for the non-attendance of any member may be heard, and their sufficiency passed upon by the members of the board not interested in the case.

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Fine.

Proviso.

SEC. 7. *Be it further enacted,* That whenever, in the opinion of the intendant and councilmen, it may be expedient to increase the number of councilmen, they may direct any number, not exceeding eight, to be elected at the next and future succeeding elections ; and they may again reduce the number to four, whenever in their opinion it may be proper and expedient to do so.

Power to increase or reduce the number of councilmen.

SEC. 8. *Be it further enacted,* That the board of intendant and councilmen shall have power, 1<sup>st</sup>, to appoint a clerk, a marshal and such other officers as may be necessary, (removable at the pleasure of the board,) to prescribe their duties, and to require of them bonds with security in such amount as may be deemed proper and right for the faithful discharge of their duties ; 2d, to determine the amount of salary and perquisites to be paid to the intendant, clerk, marshal and other officers ; 3d, to pass such laws, by-laws, and ordinances as may be necessary or proper to enforce the powers in this charter granted, and for their own government, not contrary to the constitution and laws of the State, or to the restriction herein imposed ; and it is hereby expressly declared and enacted that the power and authority herein conferred is to be liberally construed for the purpose of effecting the objects for which it was granted ; 4<sup>th</sup>, to prevent nuisances or to remove the same at the expense of the person or persons causing them, or upon whose property or premises they may be fount ; 5<sup>th</sup>, to license, tax, regulate or restrain balls and dances for pay, theatrical and other shows, exhibitions and other amusements, and also lectures and concerts except lectures and concerts for charitable purposes ; 6<sup>th</sup> ; to restrain and prohibit gaming houses and houses of ill fame, disorderly conduct and breaches of the peace, and to affix fines for the same ; 7<sup>th</sup>, to establish nigh and day watches and patrols, to appoint captains for the same, and to punish the captains, patrols, and watches by reasonable fines, for the neglect or non-performance of duty ; 8<sup>th</sup>, to prevent and disperse all unlawful assemblages ; 9<sup>th</sup>, to estab-

Power to appoint officers, &c.

Salaries, &c.

By-laws and ordinances.

Nuisances.

Licenses.

Retrain and prohibit, &c.

Patrols.

Unlawful assemblages.

lish and regulate markets, to sink, keep in repair and  
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Further powers.

The same.

Tax license and prohibition.

May license and tax hotels, eating houses, stores or shops for the sale of any kind of eating houses, &c. &c.

Health.

Fines, imprisonment, &c.

Sabbath.

control public wells, to make all needful provisions for furnishing the town with good and wholesome water, to keep in repair all streets, alleys and sidewalks, and to open the same where they may be shut up, and at all times to keep them free from obstructions of whatever kind or description, to build and make bridges and drains, and to adopt measures necessary to preserve and regulate the same ; 10<sup>th</sup>, to license under such restrictions as may be proper wagons, carts, drays, hacks and carriages running for hire within said corporation ; 11<sup>th</sup>, to tax and license drinking, billiard, and bowling saloons, upon such conditions as may be necessary or proper to regulate and control them effectually, and to prohibit the sale in any quantity of spiritous or malt liquors within the corporate limits of said town by any person without having first procured such license ; 12<sup>th</sup>, to license and tax hotels, eating houses, stores or shops for the sale of any kind of goods, wares or merchandise, or for the sale of chemicals paints, oils, medicines, drugs, confectionaries provisions, fruits, bread, &c., and to regulate the assize of the last, to regulate sales at auction, except sales under order of any court, or by executors or administrators ; to appoint, license and tax auctioneers, to erect public scale house, with proper scales, weights and measures, and to appoint weighers and measures to weigh and measure in case of disagreement between buyer and seller, to license and tax livery or sale stables, barber shops, public washer women, and day laborers ; 13<sup>th, to</sup> pass and enforce all ordinances deemed necessary or proper to prevent contagious or infectious diseases from being introduced or kept within the said town, and to preserve the health of the inhabitants ; 14<sup>th, to</sup> punish, by fine not exceeding ten dollars, or imprisonment not exceeding ten hours for each offense, all contempts of the board of intendant and councilmen when in session, and by fines not exceeding fifty dollars for each offense, or by imprisonment not exceeding thirty days, or by work upon the public streets not exceeding forty days, any breach of the laws, by-laws or ordinances ; and all lines provided for in this clause may be collected by execution against the property of the delinquent, or their non-payment punished by imprisonment at the rate of one day for each dollar assessed against the party ; 15<sup>th</sup>, to preserve inviolate the sanctity of the Sabbath day and to keep it holy, and to punish for

any disturbance of, or any interference with the public

or private worship o almighty God ; 16<sup>th</sup>, to prevent or punish any indecent exposure of the person, and anything pernicious to the morals and good order of society ; 17<sup>th</sup>, to prevent stock of any king from running at large in the public streets and alleys of the town ; 18<sup>th</sup>, to prevent or punish malicious mischief done to houses, fences, ornamental, fruit or shade trees, signs, sigh-posts, tombs, monuments, or any other property of whatever kind or description ; 19<sup>th</sup>, to erect a guard house for the imprisonment of offenders against the laws, by-laws, and ordinances of the town ; 20<sup>th</sup>, to bind over to appear at the next succeeding term of circuit court of the county all offenders or supposed offenders against the laws of the State, in cases in which the board of intendant and councilmen may have no jurisdiction to inflict adequate punishment, and this power may be exercised either by the intendant or by one of the councilmen sitting for him, or to commit to jail in non-bailable cases, or in cases in which the party cannot give bail ; 21<sup>st</sup>, to take control and management of the public grave-yard, and if necessary to elect a sexton to superintend the same, and to affix his salary and emoluments ; 22d, to enact such laws, by-laws and ordinances as shall give to the lessor or renter of any dwelling house, store house, shop, mill-house, sale or livery stable, or any other real estate whatsoever, a lien upon all property contained therein and belonging to the lessee or rentee, whether consisting of household or kitchen furniture, or of goods, wares, and merchandise of any kind or sort, or horses, mules, oxen, carriages, books, tools or any implements of mechanism, or of any other proper, or of so much thereof as shall be sufficient to secure and pay the rent, and to prevent the removal of the same until the rent shall be paid.

SEC. 9. *Be it further enacted,* That all elections for intendant and councilmen shall be held on the day hereinafter designated, under the supervision and management of two or more freeholders of the town, to be appointed by the intendant and councilmen ; and at such election the marshal shall act as returning officer ; and the intendant and councilmen shall judge of the legality of all elections, declare who has been elected, and in all cases of a tie between any two or more persons, shall determine which of such persons shall be intendant or councilman, (as the case may be,) only those members voting who are not

1865-66.

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Indecent exposure, &c.

Stock.

Malicious mischief.

Binding over.

Protection to lessor or renter by lien.

Elections when held, and manner thereof &c.

interested in the result.



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 Vacancies, how  
 filled.

SEC. 10. *Be it further enacted,* That should a vacancy at any time occur in the office of intendant or councilman, during the term for which intendant or councilmen may have been elected appointed, either death, resignation or absence from the board for the term of three months, or by any other cause, such vacancy shall be filled by appointment by the remaining members of the board.

Penalty for  
 non-payment of  
 fines.

SEC. 11. *Be it further enacted,* That in all cases when any person or persons shall be convicted of any offense against the laws, by-laws or ordinances of said town, and such person or persons shall fail or refuse to pay, or secure to be paid, the fine or fines imposed, the board of intendant and councilmen may commit such person or persons to the jail of said county, or to the town guard house, for any period not working fifty days, unless such fine or fines and costs be sooner paid, and the jailor of sad county ) when such person or persons may be committed to the jail,) is hereby required to receive and keep such person or persons in the jail of said county, until the term of such imprisonment may expire, fine or fines and costs from the intendant or one of the councilmen ; Provided, The corporation shall pay the jail fees in all cases where they cannot be collected of the offender, which jail fees shall be same as collected by law from other persons.

Proviso.

Authority of  
 marshal.

SEC. 12. *Be it further enacted,* That the marshal or the said town shall have authority to execute the laws, by-laws and ordinances passed by the board of intendant and councilmen of said town; to arrest without warrant all offenders against the peace and good order of the town, an all violators of its laws, by-laws and ordinances, and carry them before the intendant or one of the councilmen, if sitting, as hereinafter provided for, or before the board of intendant and councilmen, if in session, or confine them for, safe-keeping in the county jail or town guard-house, until they can be brought before the proper authority ; and if necessary, he may call to his assistance any of the citizens of said town to enable him to make the arrest ; and any person or persons refusing or neglecting to assist when so called upon by the marshal, shall be fined in any sum not exceeding ten dollars, or confined in the county jail or town guard-house for any length of time not exceeding ten house. And the

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clerk shall have authority to issue all executions, or other process, ordered by the board of intendant and councilmen, or by the intendant or one of the councilmen, when sitting, as hereinafter provided for, and generally to perform all such duties as appertain to his office, or as he may be ordered by the board of intendant and councilmen.

Authority of clerk.

SEC. 13. *Be it further enacted*, That it shall be the duty of the intendant to preside at all meetings of the board of intendant and councilmen, and to preserve order. He may call special meetings of the board when ever in his opinion it may be necessary, and in his absence any two councilmen may call a meeting. The intendant shall also keep an office in said town open at all prescribed hours every day, except Sunday, where he shall attend to, hear and determine all cases of the breach or violation of any of the laws, by-laws or ordinances, or he may request one of the councilmen to attend in his stead; and in his absence or inability to attend at any meeting of the board, one of the councilmen shall be called upon to preside *pro tempore* in his place.

Duty and powers of intendant.

SEC. 14. *Be it further enacted*, 1<sup>st</sup>. That an assessment of all the property in said town subject to taxation shall be made annually, naming the owner of the property, if known, otherwise, assessing it to owner not known; and upon failure or refusal of any person to give in his or her property when required to do so, the assessor must proceed to assess from the best information he can obtain. The person so refusing, upon his being so returned by the assessor, may be fined by the board in any sum not exceeding twenty-five dollars, and not less than ten dollars, for the use of said town. 2d. The assessment, when completed, must be returned to the board, who shall cause ten days' notice to be given by advertisement in one of the public newspapers of the town, or, if there be no newspaper, then by other sufficient means, of the time and place when and where the board, or a committee of its own members appointed by the intendant, will hear complaints and correct errors and mistakes. 3d. Complaints having been heard and decided, and errors and mistakes corrected, the assessment must be marked "approved" by the intendant or committee, and delivered to the person appointed to collect the taxes. 4<sup>th</sup>. The assessment so approved shall have the

Assessment of taxes, and its incidents.

Notice to correct errors.

Delivered to collector.

Force and of-

force and effect of a judgment and execution, and the

fect of assess-  
ment.

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Notice of sale.	person appointed to collect such taxes may, on failure to pay, collect the same by levy and sale of the property of the person to whom assessed; or, if assessed, to an owner unknown, by sale of the property. 5 <sup>th</sup> . All sales of personal property under the preceding clauses must be advertised for ten days in one of the public newspapers of the town, or, if there be no newspaper, then by other sufficient means ; and all sales of real estate must be advertised for thirty days in the same manner. 6 <sup>th</sup> . The
Contents of notice.	advertisements herein provided for must contain a description of the property, the name of the person to whom assessed, unless it be assessed to an unknown owner, in which case it must be so stated, and the amount of taxes for which it is to be sold, including th cost and expense of advertising. 7 <sup>th</sup> . All sales of property under this act must be made in the town of Tuskegee, in front of the court house of Macon county, between the hours of 12 M., and 4 P. M., and may continue from day to day until the sale is completed. 8 <sup>th</sup> . The person appointed to
Time and place of selling.	collect the taxes and make the sales herein provided for shall give to the purchaser of real estate a certificate of purchase in form similar to those given by the State and county tax collectors, and which shall have the same effect. 9 <sup>th</sup> . All real estate sold under this act may be redeemed at any time within two years from the day of sale on the payment of the amount for which the property was sold, with interest at the rate of twenty per cent. per annum ; and all taxes and costs which have accrued, or if the purchaser does not reside within the town of Tuskegee, then into the treasury of said town for the benefit of the purchaser. 10 <sup>th</sup> . Infants, married women, and lunatics, shall be allowed one year after the removal of their respective disabilities to redeem on complying with the requirements herein above specified.
Certificate of purchase.	SEC. 15. <i>Be it further enacted</i> , That no person residing in the town of Tuskegee shall be required to work upon the roads beyond the limits of said town.
Redemption of real estate.	SEC. 16. <i>Be it further enacted</i> , That the marshal of the town of Tuskegee, in addition to the power and authority conferred upon him by this act, or which may be conferred upon him by the board of intendant and councilmen in carrying out the provisions of this act, shall have all the power and authority within the limits of said corporation of any sheriff of any county in the State
Exempt from duty.	
Additional power of marshal.	

of Alabama.

SEC. 17. *Be it further enacted*, That the present board of intendant and councilmen of the town of Tuskegee shall continue to act under the present charter of said town until the election and qualification of their successors under this act for which it shall make the necessary provision.

Present board continued.

SEC. 18. *Be it further enacted*, That all laws and parts of laws inconsistent with this act be and the same are hereby repealed, except as is otherwise provided for in the preceding sections ; Provided, that within sixty days after the approval of this act the qualified voters entitled to vote for members of the general assembly, and residing within the proposed corporate limits of said town of Tuskegee, shall hold an election and ratify said charter by a majority of their votes, then this act shall have full force and effect according to the provisions thereof, otherwise the same shall be null and void.

Repeal.

Approved, February 22, 1866.

Proviso.

No. 233.]

AN ACT

To incorporate the Coosa Valley Oil and Mining Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That R. B. Gorsuch, Thomas Leech and John B. Leech, and such other persons as may be associated with them, and their successors, be, and they are hereby made and constituted a body corporate, under the name and style of the "Coosa Valley Oil and Mining Company," and by that name they shall be capable in law to hold , purchase, receive , possess and enjoy , to them and their successors, real and personal property, to any amount they may deem useful in carrying all the objects of said corporation into full force and effect, which objects are to bore or mine for rock-oil or petroleum, and the purchase, leasing, development and working of oil lands, in fee simple or under lease, the purchase or leasing, development , sinking and working of oil wells and the sale and disposition of such lands, leases and wells and also to mine coal, iron, copper and other minerals, and to transport and sell said petroleum, minerals and

Corporators.

Name.

Privileges.

Objects.

Privileges	metals, in a crude or prepared state, and the same to prepare for market, in any manner they may deem most advantageous, and by that name to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts having jurisdiction; and the corporation shall have power to make, have and use a common seal, and to break, alter and renew at pleasure the same; Provided, however, that said corporation shall be organized in accordance with the provisions of this charter, within three years from the date of the approval of this act.
Proviso.	SEC. 2. <i>Be it further enacted</i> , That the capital stock of said company or corporation shall be five hundred thousand dollars, and the number of shares shall be twenty-five thousand, of twenty dollars each, and the said incorporation may increase the amount of capital stock to one million dollars and number of shares to fifty thousand; Provided, nevertheless, That the rules adopted shall be uniform, equally securing the rights of each stockholder.
Capital stock.	SEC. 3. <i>Be it further enacted</i> , That the stockholders of said corporation shall have power to elect a board of directors, who shall elect such officers as they deem necessary to conduct and manage the affairs of said corporation, and by a vote of a majority of the directors, or of the stockholders, to make such by-laws and pass such resolutions, and the same put into execution, as they may judge expedient for the interest of said corporation not being inconsistent with the Constitution of this State, nor of the United States.
Directors and their powers.	SEC. 4. <i>Be it further enacted</i> , That if the officers be not elected on the day appointed by the by-laws, the corporation shall not for that cause be dissolved, but those in office shall hold until their successors shall have been elected.
Term of office.	SEC. 5. <i>Be it further enacted</i> , That the said corporation have the right to slack-water, rivers, or streams, not before navigable, to construct railways, canals or roads from their mines or places of operation to such point or points as may be most convenient and practicable, to establish a direct communication with any public railroad or navigable river, and it shall be entitled to acquire the right of way for such purposes, and the necessary turn-outs and such lands as may be necessary for depots, and in acquir-
Rights.	
Right of way.	

ing the right of way for such purposes and the necessary



turn-outs and lands of depots, the corporation shall in all such cases make just compensation to the owner or owners before acquiring any right to the same, and that said corporation may levy and collect rent, fare, freight and toll for the use of such roads, canals and slack-water streams.

Compensation

Tolls, &c.

SEC. 6. *Be it further enacted* , That in order to facilitate the operations of said incorporation, it is hereby invested with the right to erect dams, construct aqueducts, and such other works on water courses as they may deem necessary for motive power or mining purposes, to facilitate and carry on successfully the operations of said corporation.

Water privileges.

SEC. 7. *Be it further enacted*, That in all cases where the said corporation is entitled , under this act, to a right of way, lands or other privileges, and the owners and said corporation do not agree as to the amount of compensation, it shall be lawful for said corporation, by its agent or proper officer to deliver to the sheriff of the county in which the property subject to be condemned to its use is situated, a statement, in writing, giving the names of the owners, a description of the property subject to be condemned and of the use to which it is to be applied and asking for an assessment of the damages. Whereupon the sheriff shall summon seven disinterested jurors, who shall be sworn by him to make such assessment, fairly and impartially ; and after having given the said owner three days' notice of the time and place of such assessment, shall cause them, upon view of the to assess the damages aforesaid, and shall return the verdict and other papers to the clerk of the circuit court, and the payment, or tender of the sum so assessed shall vest the right demanded , in the corporation ; Provided, That if any of the jurors fail to attend, the sheriff may at once summon others in their stead.

Proceedings as to claim for damages

Proviso

SEC. 8. *Be it further enacted*, That the costs in all such cases shall be the same as for the like services in other cases of *ad quod damnum*, to be paid by the company, for which executions may issue by the clerk of the circuit court.

Approved, February 22, 1866.

No. 234.]

AN ACT

To incorporate the Larkinsville Academy, in Jackson county.

Corporators.

Name.

Privileges.

Liquor not to be sold to students.

Penalty for selling. fense.

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That James Buchanan, J. P. Ledbetter, W. R. W. Larkin, J. T. Martin, B. B. Smith and P. T. Murray, of the county of Jackson, and their successors in office are hereby constituted and declared a body corporate, by the name and style of the "Trustees of Larkinsville Academy," and by that name may sue and be sued, plead and be impleaded, in all kinds of actions either in law or equity, may receive donations, purchase, possess and hold property, real or personal, to erect or extend all necessary buildings for the sole use and benefit of said Academy, the same to hold, use or dispose of a pleasure and to have and use a common seal. They are also empowered to make such rules, regulations and by-laws for the government of said Academy as may be necessary, the same not being repugnant to the Constitution or laws of this State.

SEC. 2. *Be it further enacted,* That it shall not be lawful for any person to sell spirituous liquors to any student of said Academy, and if any person shall sell spirituous or vinous liquors contrary to the provisions of this act, such person shall be subject to indictment and on conviction may be fined in a sum not less than one hundred, nor more than five hundred dollars for each of-

Approved, February 20, 1866.

No. 235.]

AN ACT

To incorporate Ivey Creek Academy in the county of Autauga.

Corporators.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Dent Laman, S. P. Steele, J. A. Sullins, Leonidas Howard and Thomas Underwood, and their successors in office, be, and they are hereby declared to

be a body corporate, under the name of the "Ivey Creek Academy," for the purpose of education, and by that name may sue and be sued, plead and be impleaded, answer and be answered unto, in all kinds of actions, both in law and equity, and may receive donations, purchase, possess and hold property of any kind, real, personal, or mixed, for the sole use and benefit of the said Academy, the same to hold, use or dispose of at pleasure, and have and use a common seal.

Name, purpose and privileges.

SEC. 2. *Be it further enacted*, That the said corporators have power and authority to elect from their number a president and secretary and they are further empowered to make such rules, regulations and by-laws for the good government of said Academy as may be necessary, and not repugnant to the Constitution of the United States, or the Constitution and laws of this State.

President and secretary

By-laws.

SEC. 3. *Be it further enacted*, That it shall not be lawful for any person to sell spirituous liquors or wines at any point within two miles of said Academy, except for medical or sacramental purposes; and if any person shall sell spirituous or vinous liquors in violation of the provisions of this section, such person shall be subject to indictment, and on conviction may be fined in a sum not less than one hundred, nor more than five hundred dollars, to be fixed by the jury trying the same, for each and every such offense.

Restriction of sale of liquors.

Penalty for selling.

Approved, February 20, 1866.

No. 236.]

AN ACT

To incorporate the Union Savings Association.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Ro. Christian, W. C. Hudson, J. L. Price, R. W. Nicalson, Richard Clark, Jno. Bradfield, A. R. Coleman, John M. Jeffries, T. T. Ware, D. A. Boyd and S. M. Houston, or a majority of them, and such others as may be associated with them for that purpose, and their successors, be, and they are hereby created a body corporate, by the name and style of "The Union Savings Association of Union Town," with power to sue and be sued, in all the courts of this State, of purchasing prop-

Corporators.

Name. Powers

	erty of all discriptions ; to make and use a common seal ; and generally to do any act necessary to carry into effect the objects of the corporation, not inconsistent with the the constitution and land laws of this State.
Capital stock	SEC. 2. <i>Be it further enacted</i> , That the capital stock of this corporation shall be ten thousand dollars, to be divided into shares of one hundred dollars each, to be paid in manner following : Ten dollars on each share at the time of subscription, and the residue at such times, and in such installments as the directors of said corporation may require, which capital stock may hereafter be increased to any sum not exceeding fifty thousand dollars ; and if any stockholder shall fail to make the payment as required, his stock may be sold by order of the directors, a public sale in Uniontown, upon ten days notice in a newspaper published nearest to the place of sale, and such stockholder shall be liable for the balance due on his subscription after the sale of his stock, as it becomes due, and may be sued for the same before a justice of the peace having local jurisdiction, or in the circuit court of Perry county.
Penalty on defaulters.	
Books of subscription opened.	SEC. 3. <i>Be it further enacted</i> , That books of subscription for the capital stock of said corporation shall be opened at any time within one year, at such place in Uniontown, as a majority of the persons named in the first section of this act, may direct, advertisement of the time and place being first given for ten days, in a newspaper published nearest to Uniontown, which books shall be kept open until the sum of ten thousand dollars shall be subscribed for; and the said persons, or a majority of them, shall call a meeting of the stockholders, as soon as may be, after the said sum of ten thousand dollars shall be subscribed, who shall elect five directors to manage the business of the corporation for one year, or until their successors shall be chosen and qualified . The said directors shall elect one of their number as president, and such other officers as they may deem necessary for the interest of the corporation. All officers to be elected annually, and to receive such pay and allowances as the directors may establish. All officers to hold over until their successors are qualified, and to give such bond as the directors shall require.
Meeting called.	
Directors.	
President	
Elections and allowances.	
Term of office.	
Objects and	SEC. 4. <i>Be it further enacted</i> , That the objects and duties of said corporation shall be to receive on deposit for

duties.

safe keeping the moneys and earnings of all persons,

without distinction of color, to give such depositors receipts or other vouchers for said deposits ; to pay to said depositors interest, on such terms and rates as may be provided for in the by-laws of the company , and to pay the principal to depositors, on their call, order or check, or on the surrender of the receipts or vouchers ; Provided, That the company shall not be compelled to receive a smaller deposit at one time than five dollars, nor to pay interest until the sum of twenty dollars shall have been deposited by any one person, nor until it shall have been on deposit for thirty days.

Proviso.

SEC. 5. *Be it further enacted*, That to secure the depositors from loss by said company, the capital stock of said company, and all property owned by it, shall be subject to the debts and deposits of said company.

Security to depositors.

SEC. 6. *Be it further enacted*, That the capital stock of said company may be invested in any stock, issued by the State, or by the United States, or in the stock of any bank chartered by authority of the State, or of the United States, or may be loaned on pledges, unencumbered real estate, with bond and mortgage security, and that said corporation may deal in foreign and domestic exchange, lend its funds on such securities as the directors may determine, and to discount and purchase notes, and bills of exchange ; and that it may acquire and hold real estate as a corporation, and erect buildings thereon for the use of the company, not exceeding twenty thousand dollars in value, and such other real estate as may be acquired in the way of securing its debts or claims.

Capital stock how it may be invested.

SEC. 7. *Be it further enacted*, That the directors chosen under section three of this act, shall have power to make and adopt by-laws and regulations for the government of the company ; for the management of its business ; for the transfer of its stock ; for the loan, collection and investment of its money; to do and perform all things that may be necessary for the welfare of the company, not inconsistent with the provisions of this act, or contrary to the constitution and laws of the State of Alabama and of the United States.

Power in regard to its funds, &c.

By-laws.

SEC. 8. *Be it further enacted*, That the books of the corporation shall be at all times open to the inspection and examination of such commissioners as the governor may appoint for such purpose, and that the governor may appoint three commissioners for said pur-

General powers.

Inspection of books.

Commissioners and their

pose every two years, should he deem it expedient, the

compensation.

Further duties  
and restrictions

expenses of said commissioners to be paid by the corporation, not exceeding thirty dollars each, in any year.

SEC. 9. *Be it further enacted*, That it shall be the duty of said company to receive for collection all promissory notes and bills of exchange, negotiable, and payable at its office ; and all notes and bills of exchange, negotiable, and payable at the office of said corporation, shall be governed in all things by the law merchant, except so far as the same is changed by the law of the State, and shall be entitled to the usual "days of grace."

Approved, February 22, 1866.

No. 237.]

AN ACT

To incorporate the Alabama Mining , Manufacturing and Improvement Company.

Corporators.

Name.

Privileges

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the owners of the shares herein authorized to be issued, be, and they are hereby made a body politic and corporate, and as such, under the name and style of " The Alabama Mining , Manufacturing, and Improvement Company," may have continued succession, and may purchase, have, hold, use, possess and acquire by any lawful means, any estate of real or personal property in as full and ample manner as any individual might do, and the same may use, let, lease, mortgage, transfer and convey, or otherwise dispose of ; and may sue and be sued, plead and be impleaded, contract and be contracted with; and may have and use a common seal, and the same may change at pleasure ; and shall have, possess, use, exercise and enjoy all the rights, powers and privileges which may be necessary or proper for them as an incorporated company, to enable them to open and work their mines and to manufacture iron and steel, and all other articles whatsoever ; and to do and perform all acts not inconsistent with the laws of this State, or of the rights of others, which may be necessary to develop and make available their property and estate , and especially to construct, own, use and maintain railroads connecting their mines and manufactories with any railroads, which connection they may deem necessary or useful for



the transportation of the products of their mines or manufactories to market ; Provided, That the power to take and occupy lands and materials for the location , construction and repairs of their railroads, shall be subject to the same rules, regulations and conditions as are prescribed by other acts authorizing the construction of railroads in this State.

SEC. 2. *Be it further enacted*, That the capital stock of this said company shall consist of shares of ten dollars each; and that Duff Green, Henry D. Cook, Fredrick P. Staunton, Fitzhugh Coyle, and Turner Reavis, are appointed commissioners, with authority to open books of subscription in person or by proxy, at such times and places, as they may deem expedient, and that when ten thousand shares shall have been subscribed, the shareholders may proceed to organize the company by the election of five or more directors ; and the directors for the time being, may have and receive for and in behalf of the company, all the rights, powers, and privileges which are herein given ; and may from time to time increase their resources by borrowing money on a pledge of their property, or without such pledge, or by new subscriptions, and the shareholders shall be bound, each for himself, or herself, to pay the sums by them respectively, owing upon their shares, and when the sums due, or to become due on their respective shares shall have been paid, such shareholder shall not be liable for any further payment on account thereof.

SEC. 3. *Be it further enacted*, That the by-laws may prescribe the number of, and the manner in which the directors, officers and agents of the company shall be appointed, and may prescribe their terms of service, powers, duties and compensation.

SEC. 4. *Be it further enacted*, That this act shall take effect and be in force for thirty years, from and after its passage and until it shall thereafter be repealed or modified ; and all acts or parts of acts conflicting with the provisions of this act, are hereby repealed.

SEC. 5. *Be it further enacted*, That the office of this said company shall be at Gainesville, Sumter county, and the president, secretary and treasurer, and a majority of the directors of said company, shall be residents and citizens of the State of Alabama.

Approved, February 20, 1866.

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Proviso.

Capital stock.

Commissioners and their authority.

Organization and privileges of directors.

Liability of shareholders

By-laws what may prescribe.

Term of charter.

Office and residence.

No. 238.]

AN ACT

To amend the first section of an act entitled an act to incorporate the town of Bluffton, in the county of Chambers.

Amended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the first section of an act entitled an act to incorporate the town of Bluffton, in the county of Chambers, which reads as follows, to-wit : “ Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the town of Bluffton, in the county of Chambers, directly opposite and adjoining the city of West Point, Georgia, on the State line, be and the same is hereby incorporated, and the corporate limits shall be as follows, to-wit : beginning at the State line, where it crosses the Osaliga creek, thence due south along the State line to Chattahoochee river, thence down said river to Reese’s, Sharpe’s and Walker’s line, thence due west along said line one-half mile, thence due south to said Osaliga creek, thence in an east direction down said creek to beginning point at State line,” be and the same is hereby amended so as to read as follows, to-wit : Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the town of Bluffton, in the county of Chambers directly opposite and adjoining the city of West Point, Georgia, on the State line, be and the same is hereby incorporated, and the corporate limits of said town shall be as follows, to-wit : beginning at Osilaga creek, at crossing of said line, down said line to Chattahoochee river, thence down said river to Sharpe’s, Reese’s and Walker’s line, thence due west on said line to Columbus road, thence up or along said road to old Columbus road from Fredonia, thence along said road to lower Lafayette road, thence north parallel with the State line to said Osilaga creek, thence along said creek to starting point at State line.

Limits of town,

Approved, February 20, 1866.

No. 239.]

AN ACT

To incorporate the Cahaba Petroleum and Mining Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That B. F. Blount, I. T. Tichenor, W. C. Ray, J. M. Sutherlin, D. A. Benjamin, C. P. May, F. H. Warren, Josiah Morris, L. P. LeGrand, B. B. Davis, and George M. Figh, and such other persons as may be associated with them and their successors, be and are hereby made and constituted a body corporate under the name and style of the Cahaba Petroleum and Mining Company, and by that name they shall be capable in law to hold, purchase, receive, possess and enjoy to them and their successors real and personal property to any amount they may deem useful in carrying the objects of said corporation into full force and effect which objects are to bore or mine for rock oil or petroleum, and the purchase, leasing, development, and working of oil lands in fee simple or under lease, the purchase or leasing, development, and sinking and working of oil wells, and the sale and disposition of such lands, leases and wells, and also to mine coal, iron, copper, and any other mineral, and to transport and sell said petroleum, minerals and metals in a crude or prepared state, and the same to prepare for market in any manner they may deem most advantageous, and by that name to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts having jurisdiction, and the corporation shall have power to make, use, and have a common seal, and to break, alter and renew the same at pleasure ; Provided, however, that said corporation shall be organized in accordance with the provisions of the charter within three years from the date of the approval of this act.

SEC. 2. *Be it further enacted,* That the capital stock of said company or corporation shall be two hundred thousand dollars (\$200,000) and the number of shares shall be two thousand (2,000) of one hundred dollars (\$100) each, and the said incorporation may increase the amount of capital stock to five hundred thousand dollars, (\$500,000) and the number of shares to five thousand (5,000) ; Provided, nevertheless, that the rules adopted

Corporators.

Name.

Privileges

Objects.

Privileges.

Proviso.

Proviso



<p>When to organize.</p>	<p>shall be uniform, equally securing the rights of each stockholder.</p> <p>SEC. 3. <i>Be it further enacted</i>, That the persons before named, or any three of them, shall be authorized to receive subscriptions to the capital stock of said company and when the subscriptions shall amount to not less than twenty thousand dollars, (\$20,000) the stockholders may organize, and each share of stock shall entitle the holder to one vote.</p>
<p>Directors and officers.</p>	<p>SEC. 4. <i>Be it further enacted</i>, That the stockholders of said corporation shall have power to elect a board of directors, who shall elect such officers as they shall deem necessary to conduct and manage the affairs of said corporation, and by a vote of a majority of the directors, or of the stockholders, to make such by laws and pass such resolutions, and the same to put into execution, as they may judge expedient for the interest of said corporation not being inconsistent with the constitution of this State, or of the United States.</p>
<p>By-laws and resolutions.</p>	<p>SEC. 5. <i>Be it further enacted</i>, That if the officers be not elected on the day appointed by the by-laws, the corporation shall not for that cause be dissolved, but those in office shall hold until their successors have been elected.</p>
<p>Tenure of office.</p>	<p>SEC. 6. <i>Be it further enacted</i>, That the said corporation have the right to construct railways or other roads from their mines or places of operation to such point or points as may be most convenient and practicable to establish a direct communication with any public railway or navigable river, and it shall be entitled to acquire the right of way for such roads, and the necessary turn-outs and such land as may be necessary for depots ; and in acquiring the right of way for main roads and the necessary turn-outs and the lands of depots, the corporation shall in all such cases make just compensation to the owner or owners of such lands before acquiring any right to the same, and that said corporation may levy and collect fare, freight, and tolls for the use of such roads constructed by it.</p>
<p>Right of way.</p>	<p>SEC. 7. <i>Be it further enacted</i>, That in order to facilitate the operations of said incorporation , that it is hereby invested with the right to erect dams and construct such works on the water courses not navigable, or declared a public highway by this State, as they may deem necessary to the propelling of machinery required to facilitate</p>
<p>Compensation for right of way.</p>	<p></p>
<p>Tolls.</p>	<p></p>



and carry on successfully the operations of said corporation.

Approved, February 20, 1866.

No. 240.]

AN ACT

To incorporate the town of Lowndesboro, in Lowndes county, and to amend the charter of the town of Hayneville.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the town of Lowndesboro, in Lowndes county, in this State, be and the same is hereby incorporated and declared a body politic under the name and style of the mayor and council of the town of Lowndesboro, and by that name, shall sue and be sued, plead and be impleaded, contract and be contracted with, and shall have the right to acquire, purchase, and hold real estate, not to exceed one acre of land, upon which to erect and build a market, guard and prison house, and such personal property, as may be necessary for the purposes of said incorporation.

SEC. 2. *Be it further enacted,* That the members of said incorporation shall consist of five persons, one of whom shall be called the mayor, and the other four the council, all of whom shall be elected annually on the first Monday in March by the qualified voters being resident male citizens of said town, and whose qualifications shall be the same as those entitled to vote for members for the general assembly of this State, except as to length of time in which persons may reside in said town, which may be fixed by ordinance by the corporate authorities of said town, and except that said corporate authorities may by ordinance require the payment of taxes as a prerequisite to vote ; Provided, that said corporate authorities may by ordinance prescribe the manner and proceedings of holding such elections, and shall make and return the poll of such election, with a certificate of the mayor of its correctness to the judge of probate for said county, who, with the sheriff, shall count and declare the elections, and said judge shall issue his certificate of election to such of the persons voted for, to the number of

Incorporation.

Name.

Privileges.

Mayor and council and their election. Qualifications of voters.

Proviso.

	five, having the highest number of votes , who shall be the ones elected, and these five shall choose one of their number by ballot, who shall be the mayor, and all of them
Oath of office.	shall take an oath to support the constitution of the State and of the United States, and to discharge the duties of their office fairly and impartially ; and the first election
First election.	under this act shall take place on the first Monday in March, 1866, and until that time James K. Whitman
First authori- James ties.	D. McCall, A. C. McRee, C. C. Howard, James Harrison, shall constitute the corporate authorities of said town, and shall by ballot choose one of their number as mayor, and shall continue in office and exercise the franchise herein conferred until their successors are elected and duly qualified ; and this charter shall not be forfeited by non-user or mis-user, nor for any neglect of said corporate authorities, or for not holding the elections herein provided for ; and for such neglect in holding elections the old authorities shall continue in office and exercise the powers herein conferred until relieved by their successors duly elected and qualified, no length of time to the contrary notwithstanding ; and in case of the death or resignation of any of said corporate authorities intervening between elections, those remaining shall have power to fill such vacant places by ballot, they being the voters, from among any of the eligible voters of said town. This charter shall not be vacated or forfeited except by repeal or direct proceeding on the part of the State in a court of competent jurisdiction.
Term of office.	SEC. 3. <i>Be it further enacted</i> , That the corporate limits of said town shall extend three-fourths of a mile in each and every direction from the market place to be located therein by said corporate authorities.
Vacancies	SEC. 4. <i>Be it further enacted</i> , That the mayor and council of said town shall have power to pass such by-laws and ordinances as may be necessary to enforce all the powers conferred by this act for their own government and the regulation of said town, and not in contravention of the constitution of the United States and of this State, or the laws in pursuance thereof ; to declare and prevent nuisances and provide remedies therefor, and remove the same at the expense of the person causing them on whose premises they are found; to license, tax, restrain, and regulate theatrical and other shows and amusements, and the licensing, taxing, selling and retail-
How filled.	
Charter.	
How forfeited	
Limits of town.	
By-laws and ordinances.	
Nuisances.	
Various pow-	



ers.

ing of spirituous and vinous liquors in said town ; to re-

strain and prohibit gaming, and houses of ill-fame, disorderly conduct and public indecencies, breaches of the peace, riotous assemblages, and provide for and punish all such as thus offend ; to establish night and day watches and patrols to assist the marshal hereafter named, and to provide for and punish those who fail and neglect to perform such duties when required of them ; to establish and regulate markets, town prisons, sink and repair public wells, and make all needful rules and provisions to furnish said town with water ; to repair and keep in order all needful streets, alleys, ditches and drains, and lay out and open new ones ; to license, tax, and regulate wagons, carts, drays, hacks and carriages, running in said town for hire ; to declare and punish vagrants and vagrancies; to provide for, assess and collect taxes on all real and personal estates, and on all other property and effects in said town subject to be taxed by the laws of this State which may be necessary to defray the expenses incurred for the good government of said incorporation; and on such tax being assessed and on refusal or neglect to pay on the part of the owner of the property or effects so assessed, ten days' notice shall be given to the party in default by said corporate authorities, and said corporate authorities shall then record the facts in their regular proceedings, and such record shall have the force and effect of a judgment rendered by a circuit court, upon which executions may issue against such defaulter in favor of such corporate authorities to the marshal for the tax due, and costs, if any, for collection by him, returnable within thirty days ; and may be levied by him on any property of such defaulter in said town, real or personal, and on ten days' notice of the time and place of sale, by writing, posted up at two public places in said town, including a plain description of the property, said marshal shall proceed to sell such property at public outcry to the highest bidder for cash, between the hours of ten o'clock a.m., and four o'clock, p.m., of the day designated , which execution and sale shall be as good and effectual as if the same had issued and taken place under a judgment at law ; and if the levy and sale be of real estate, the marshal shall make a deed to the purchaser, and any surplus left in his hands shall be turned over to the former owner of the property ; Provided that the person whose property has thus been sold, his

Penalty on defaulting tax payers.

Sale of property.

agent or attorney shall have the same time and rights to

Right to re- deem.	redeem as are no allowed persons whose real estate is sold under executions at law from the circuit courts of this State, and provided that the person whose property is thus sold shall have the right at any time before sale,
Right to ap- peal.	of appeal to the circuit court in the manner provided by law for appeals from courts of justices of the peace in this State, and such appeal the trial shall be de novo.
Officers of corporation. Their duties.	SEC. 5. <i>Be it further enacted</i> , That said corporate authorities shall have power to appoint a marshal, clerk, a treasurer and such other officers as may be necessary for said corporation, prescribe their duties, fix their com- pensation, and also that of the mayor, and if any of said corporate authorities or any officer named in, or provided for in this act, wilfully fails, neglects or refuses to discharge any of the duties herein imposed upon him, or which is or shall be imposed by any by-law or ordinance of said corporation, he shall be guilty of a misdemeanor, and on indictment and conviction in the circuit court, shall be fined in a sum not less than fifty, nor more than five hundred dollars, at the discretion of the jury trying the same.
Penalty for neglect.	SEC. 6. <i>Be it further enacted</i> , That said marshal shall have the power to execute all the ordinances and by-laws, process and warrants of said corporate authorities, and may arrest violators of such without warrant and carry them immediately before such corporate authorities and shall have the power to summon any one, or all of the male citizens of said town, to aid him in enforcing the same, and on making such arrests and on such citizen or citizens willfully neglecting or refusing such aid, such citizen or citizens shall be guilty of a misdemeanor, and on indictment and conviction in the circuit court, shall be fined in a sum not exceeding one hundred dollars, by the jury trying the same.
Power of mar- shal.	SEC. 7. <i>Be it further enacted</i> , That said corporate authorities shall have the power to impose fines, not exceeding forty dollars, for breaches of their by-laws and ordinances, and enforce and collect the same by execution against the property of the person offending, or on default in paying such fines, to place the offender at labor on the public streets and public works in said town, under the direction of the marshal, for not more than forty days.
Penalty for refusing to obey summons of marshal.	SEC. 8. <i>Be it further enacted</i> , That no by-laws or ordi-
Penalty for breaches, &c.	

nances of said town must be enforced until it is published

in some newspaper of the county for five days, or posted up at two public places in said town for the same length of time.

Notice.

SEC. 9. *Be it further enacted*, That the mayor and council of said town shall each have and exercise the powers of justices of the peace in all criminal matters arising therein, and shall have the same powers and authority to bind all criminal offenders over to the circuit court which justices of the peace have in like manner.

*Ex officio* justices of the peace.

SEC. 10. *Be it further enacted*, That all the provisions of this act shall apply and be extended to the town of Hayneville, in said county of Lowndes, and that an election shall be held in pursuance of this act on the first Monday in March next, 1867, for the same number of officers and the same officers, and that until that time and the qualification of the officers in this act ; Provided, The present corporate authorities of said town of Hayneville shall continue to hold office and exercise the powers under their present charter until their successors are duly elected and qualified under this act, and then all charters acts and franchises granted by the general assembly of this State to said town of Hayneville, shall cease and be invalid ; Provided, That all by-laws and ordinances under such acts and charters shall continue in force until superseded by others passed under the provisions of this act ; and provided, the corporate limits of said town of Hayneville shall extend one-fourth of a mile in each and every direction from the court house therein.

Act extended to Hayneville.

Proviso.

Approved, February 20, 1866.

Proviso.

No. 241.]

AN ACT

To amend the 8<sup>th</sup> section of an act entitled “An act to charter the Alabama Insurance Company,” approved 8<sup>th</sup> February, 1856.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the 8<sup>th</sup> section of an act entitled “An act to charter the Alabama Insurance Company,” approved 8<sup>th</sup> February, 1856, which reads as follows, to-wit : “Section 8. *Be it further enacted*, That this charter and all powers and privileges herein granted shall con-

Amendment.



tinue in force for the full term of ten years from the subscription of the stock, and that the property funds and business transactions of the corporation shall be subject to the same rate of taxation imposed bylaw on the property of similar business transactions of other insurance companies chartered by this State,” be, and the same is hereby amended by striking out “ ten” where it occurs in said section, and inserting “ thirty”  
 Approved, February 21, 1866.

No. 242.] AN ACT

To change the location and place of business of the Woodville Insurance Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Woodville Insurance Company, located in the town of Woodville, Henry county, be, and it is hereby authorized to change its location and place of business from said town of Woodville, to the city of Eufaula, Barbour county, Alabama, upon its holding an election for that purpose and a majority of the stockholders of said company, by their vote, agreeing thereto; and from and after said election, if a majority of the stockholders shall be in favor thereof, said Woodville Insurance Company shall be permanently located in said city of Eufaula, and shall have all the rights, privileges and powers given it by its charter, approved February 9, 1861, with the changes hereinafter made.

Authority to change location on certain conditions.

Privileges.

Right to sue and be sued in Barbour Co.

Proviso.

SEC. 2. *Be it further enacted,* That in all cases hereafter arising, said company shall have the right to sue and be sued in the several courts of Barbour county, and the stockholders shall be liable to be sued in the courts of Barbour county, in the same manner as the charter authorizes them to be sued in the courts of Henry county ; Provided, That nothing in this act contained shall impair or discharge any liabilities or obligations of said insurance company existing at the time of the passage of this act.  
 Approved, February 21, 1866.



No. 243.]

AN ACT

To incorporate Liberty Church, in Cherokee county, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That John R. Graham, S. C. Kelly, Harris Graham and David Heyall, with their associates as hereinafter provided for, and their successors, are hereby made a body corporate, by the name and style of " Trustees for Liberty Church," which church is situated on Hurricane creek, in Cherokee county, in this State, and is used as a place of worship by the denomination of christians known as Baptist, and by their corporate name to have, receive and hold property, real and personal, in perpetuity, not exceeding five thousand dollars in value, for the use and benefit of the membership of said church, and by that name and style to sue and be sued, plead and be impleaded, and do all other acts not inconsistent with the Constitution and laws of this State for the interest of said membership, in their collective capacity as a church ; to have a common seal, which they may alter or break, as they may see proper, &c.

Corporators.

Name and location.

Privileges

SEC. 2. *Be it further enacted,* That said Baptist Church shall have full power to make all rules, regulations and by-laws which they may deem necessary for the regulation and control of their corporate property and for the government of their church, not inconsistent with the laws of the State ; change their board of trustees at pleasure, and add to or diminish their members. None but male members of lawful age voting in matters relating to the acquisition or disposal of the property of said church, a majority of said church being present at the time of said voting; a majority of those voting is to control.

Powers

SEC. 3. *Be it further enacted,* That it shall not be lawful for any person to vend any vinous or spirituous liquors, in quantities of less than five gallons, within one mile of said church, or to sell the same within said distance, in any quantities, on the days of public worship at said church, and any person who shall violate the provisions of this section, shall be deemed guilty of a misdemeanor, and the said trustees or a majority of them may, on complaint before a justice of the peace of said county, procure a warrant for such offender or offenders and bring

Restriction of sale of liquors.

them to trial forthwith ; and on conviction, such justice

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Penalty for selling.	may impose a fine of not less than five or more than fifty dollars, with all costs , and the defendant shall stand com-
Disposition of fine.	mitted till the fine and costs are paid, which fine shall go to the use of said church in protecting its cemetery from intrusion, or in beautifying the same. Approved, February 21, 1866.

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No. 244.]

## AN ACT

To incorporate Pleasant Grove Methodist Episcopal Church South, in the county of Coosa, and restrict the sale of ardent spirits within one-half mile of the same.

Corporators.  Name.  Privileges.	SECTION 1. <i>Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,</i> That Seaborn J. Kidd, James M. Johnson, Henry Joiner and Samuel Jackson be, and they are hereby constituted a body corporate, under the name and style of the “ Trustees of the Pleasant Grove Methodist Episcopal Church South,” and by that name may sue and be sued, plead and be impleaded, in all manner of suits, either in law or equity.
Right to hold property.	SEC. 2. <i>Be it further enacted,</i> That the said trustees of the said Pleasant Grove Methodist Episcopal Church South, shall have the legal and equitable right to hold property, real, personal and mixed, to the value of seven thousand dollars.
Restrictions as to liquors.	SEC. 3. <i>Be it further enacted,</i> That it shall not be lawful for any person or persons to sell, bargain, or give away any spirituous or vinous liquors in less quantities than one gallon, within one-half mile of said incorporation, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than fifty dollars for each offense. The solicitor’s fee shall be the same as in cases of retailing without license.
Penalty.	Approved, February 21, 1866.
Fee.	Approved, February 21, 1866.

No. 245.]

AN ACT

To alter and amend “An act to incorporate the town of Union Springs in Macon county.”

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 9 of “An act to incorporate the town of Union Springs, in Macon county,” in the words following, viz : “Section 9. Be it further enacted, That said board, or a majority of them, shall have power to levy and collect such tax upon the citizens living or holding property within the limits of said incorporation as may be necessary, not exceeding two (2) dollars and fifty (50) cents on each white male person over twenty-one (21) years of age, and an *ad valorem* tax not exceeding one-tenth of one per cent. on all chattels, lands and tenements, being within the limits aforesaid, and said board shall have power to levy such ax on all itinerant merchants, bankers, peddlers, traffickers, and shows or exhibitions, as they may deem proper ; Provided, That in no case shall the tax levied exceed twenty-five (25) dollars” be altered and amended by striking out the word “white” where it occurs in said section.

Amendment.

Approved, February 22, 1866.

No. 246.]

AN ACT

To repeal the third section of an act to incorporate the Brundidge Male and Female Academy.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the third section of an act passed November 25<sup>th</sup>, 1863, which reads as follows : “ Be it further enacted, That the sale of brandy, rum, whiskey, gin, wine, and all other intoxicating liquors whatever, is hereby prohibited within the distance of two miles in any direction from said academy, in the town of Brundidge, and the same shall not be sold within the above specified limits, either by retail or wholesale, except for medicinal or sacramental purposes, and for every violation of the provisions of this act, the person or persons so violating

Repeals on  
act.

shall be subject to indictment , and, upon conviction shall be fined not less than fifty dollars , nor more than one thousand dollars, one-half of said fine to be paid to the county treasurer, and the other half to the trustees for the use of said Brundidge male and female academy,” be and the same is hereby repealed.  
Approved, February 22, 1866.

No. 247.]

AN ACT

To amend the charter of the Central City Insurance Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That sections 1 and 6, of an act entitled an act to incorporate the Central City Insurance Company, approved November 28, 1863, which sections of said act are as follows, to-wit : “Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That C. E. Thames A. S. Huntington, W. S. Knox, J. E. Prestidge, W. M. Smith and W. M. Byrd, and such others as may hereafter be associated with them and their successors, are hereby declared and created a body politic and corporate by the name of the Central City Insurance Company, and by that name shall be capable of suing and being sued in any of the courts of law and equity in this State as a natural person. They shall have power to purchase, hold and enjoy real and personal estate of any description whatever, and may dispose of the same at pleasure, and shall have power generally to do and perform any and every act necessary to be done to carry into effect the objects of this charter, not inconsistent with the laws and constitution of this State and the Confederate States. They may have and use a common seal, and may alter the same at pleasure.

SEC. 7. *Be it further enacted,* That the president and directors of said corporation shall have power to fix the mode of the transfer of the certificates of stock, as well as the time, mode and places of payment of interest and dividends ; and a majority of the board of directors shall constitute a quorum. The said corporation shall also

have power to pass all such by-laws, rules and regulations, as may be necessary to carry into effect the provisions of this charter, and to carry on the business of said corporation, which are not inconsistent with the provisions of this charter and the laws and constitution of this State and the Confederate States ; and said corporation shall have power to make all such contracts by the president and directors, or by such agents as they may appoint as may seem to them most to the interest of said corporation; and the said president and directors may, by resolution or by-law create all such officers and agents not herein named as they may determine to be necessary to carry on their business. They shall have power to prescribe an oath, and to require such officer and agent to take and subscribe the same before he entered upon the duties of his office, and they shall fix and prescribe the amount of each bond to be given by the officers,” be and the same are hereby amended by striking out the words “Confederate States,” where they occur in said sections 1 and 6 and by inserting in lieu thereof the words “United States.”

Amendment

Approved, February 22, 1866.

No. 248.]

AN ACT

To incorporate the Mobile Fire Department Insurance Company of Mobile.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Henry Farrow, Thomas S. Bridgood, Wm. P. Hammond, Francis T. Barnard, Wm. S. Moreland, James Riley, Robert L. Yuille, James Flannegan, Thomas B. Lyons, Hugh Monroe, Andrew T. Ingersoll, Martin Horst, Thomas A. Hamilton, and their associates and successors be, and are hereby made and constituted a body politic and corporate , by the name of “ The Mobile Fire Department Insurance Company,” and by that name may have and use a common seal, sue and be sued, implead and be impleaded, acquire and hold , or dispose of such real estate, or other property, as may be necessary or desirable, for the proper transaction of its business and may make such by-laws, rules,

Corporators.

Name.

Privileges.

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Objects and purposes.	and regulations for the transaction of its business , as are not inconsistent with the constitution and laws of the United States, or of this State, or the provisions of this act.
Capital stock.	<p>SEC. 2. <i>Be it further enacted</i>, That the objects and purposes for which this corporation is created, are to make and effect insurance upon houses, ships, steamboats, goods, wares, merchandize, and property of every description, against loss or injury by fire, water, tempest, or other casualties ; and the said company shall have full power to make such insurance upon such terms as they may think proper.</p> <p>SEC. 3. <i>Be it further enacted</i>, That the capital stock of said company shall be at least one hundred thousand dollars, and may be increased from time to time, to any amount, not exceeding two hundred thousand dollars, to be divided into shares of twenty-five dollars each, to be subscribed for, and paid, or secured as hereinafter provided.</p>
Books of subscription to be opened and manner thereof.	<p>SEC. 4. <i>Be it further enacted</i>, That the corporators named in the first section of this act, or a majority of them, may and shall, within three months of the passage of this act, cause books of subscription to be opened under their supervision, or the supervision of such of them as they may elect as commissioners for that purpose, at such time or times, place or places, as they may think proper, in the city of Mobile, for subscriptions to the capital stock of said company, and the said books of subscription shall be kept open until the sum of at least fifty thousand dollars has been subscribed for, and after that amount has been subscribed for, the said corporators may keep the said books of subscription open for future subscriptions, not exceeding in the whole, the sum of two hundred thousand dollars, for such length of time as they may think proper.</p>
Payments in cash and notes.	<p>SEC. 5. <i>Be it further enacted</i>, That each and every subscriber to the stock of said company shall, at the time of subscription pay to the person or persons receiving subscription for the company, ten per cent. upon the amount subscribed for by him, and for the residue of the amount subscribed, shall execute his promissory note, payable to the said company on demand, without interest, with such securities thereto, as may be required by said commissioners, and each such note shall state that it</p>

is given for stock subscribed for in the said company



and subject to the conditions provided in the charter of the company, in regard to stock notes ; the money so paid and the notes so executed, shall constitute the capital stock of said company ; and the notes so executed shall be delivered by the commissioners receiving them to the secretary of the company, as soon as conveniently may be, after such secretary has been elected and qualified. Payments of said notes ay be required in such installments as the directors may consider advisable ; Provided, That the installment shall not amount to more than ten per cent in any one month on the amount of the stock subscribed for, unless in the judgment of the board of directors, it should be necessary to meet expenses incurred or losses sustained by the company. Reasonable notice of every such call shall be given to each stockholder, in such manner as may be prescribed by the by-laws or regulations of the company, or in the absence of any such by-law or regulation, as may be prescribed by the vote or resolution of the president and directors making the call. If any stockholder shall fail to make payment of the amount so assessed against him for ten days after such notice thereof, the whole amount due on his note, with interest thereon from the time of the call shall be due and payable ; and he may be sued therefor. Every payment so made, shall be credited on the proper note, until the note is wholly paid. No stockholder shall be personally liable for the debts, losses, or liabilities of the company beyond the amount of the note given by him.

SEC. 6. *Be it further enacted*, That the business and affairs of the company shall be managed by fifteen directors elected by the stockholders, and the directors so elected shall choose one of their number to be president of the company. No person shall be elected as a director unless he is at the time of his election a stockholder in said company, and also an active or honorary member of one of the companies composing the fire department in the city of Mobile. At every election of directors each stockholder shall be entitled to one vote for each and every share of stock held by him.

SEC. 7. *Be it further enacted*, That the president and directors shall elect a secretary of the said company , and may elect or appoint such other officers or agents as they may think necessary for the proper management of its

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Basis of capital stock

Payments when required and amount of installments.

Notice.

Penalty on defaulters.

Liability of Stockholders.

Directors manage business.

President

Eligibility of directors

Voting.

Secretary and other officers.

affairs and may prescribe the duties and fix the salaries

<p>Location of office.</p>	<p>of the secretary and such other officers and agents, and may require such of them as they think proper to execute such bonds with security for the faithful discharge of their official duties respectively in sch sum or sums and in such form as they may prescribe or approve.</p> <p>SEC. 8. <i>Be it further enacted</i>, That the said company shall be located, and have its principal office or place of business in the city of Mobile, and may establish agencies or branches in such other places as they may think proper.</p>
<p>1<sup>st</sup> Directors.</p>	<p>SEC. 9. <i>Be it further enacted</i>, That the persons named as corporators in the first section of this act shall be the first directors of the said company, and shall continue to act as such until a new board of directors shall be elected by a general meeting of the stockholders ; Provided, that if any of the said persons so named shall fail or refuse to subscribe for stock in the said company, within three days after the books of subscription to said stock are opened, he shall cease to be a director, and the others named who do subscribe shall alone be directors. As soon as conveniently may be done, after the books of subscription to the stock of said company are closed , a general meeting of the subscribers shall be called by the persons named as corporators in the first section of this act, or a majority of them, at such time and place in the city of Mobile as they may appoint, for the purpose of electing directors of said company ; and reasonable notice of the time and place of such meeting shall be given, by advertisement in one or more newspapers published in the city of Mobile, and at such meeting the subscribers to the stock shall elect fifteen directors of the company.</p>
<p>Term of office.</p>	<p>Each stockholder shall have one vote for each share of stock held by him, and may vote for fifteen or any less number of person as directors, and a plurality of votes cast shall elect.</p>
<p>Proviso.</p>	<p>SEC. 10. <i>Be it further enacted</i>, That an annual meeting of the stockholders of said company shall be held at the office of the said company in the city of Mobile, on the first Monday of April (or as soon afterwards as conveniently practicable) of each year after 1866, at which meeting a report shall be made to the meeting by the president and directors of the company of the transactions of the company for the preceding year, and of the condition of the company ; and an election shall be held for directors of</p>
<p>General meetings.</p>	
<p>Purpose of meeting.</p>	
<p>Notice of.</p>	
<p>Voting.</p>	
<p>Annual meeting.</p>	
<p>Report to be made.</p>	
<p>Election.</p>	

the company for the ensuing year ; but any general meet-

ing of the stockholders may, by resolution, appoint a different time for holding the next general meeting of the stockholders. The president and directors may, for special purposes, call a general meeting of the stockholders at such other times as they may think proper. At every general meeting of the stockholders the president of the company, or in his absence one of the directors, shall act as temporary president of the meeting until the meeting has elected a permanent president, and the secretary of the company, or in his absence such person as the presiding officer shall appoint, shall act as temporary secretary of the meeting until the meeting shall elect a permanent secretary. Upon all questions raise and voted on at a general meeting of the stockholders, any stockholder present may require a vote by stock, and thereupon each member shall be entitled to one vote for each share of stock owned or represented by him, otherwise each stockholder present shall be entitled to only one vote. At such general meetings stockholders may vote by proxy, or agent, but no person shall be admitted to vote as proxy or agent for another, unless he is himself a stockholder in the company. The meeting shall judge of, and determine the genuineness and sufficiency of any proxy presented or claimed.

SEC. 11. *Be it further enacted*, That the directors elected at any general meeting of the stockholders shall continue in office until their successors are elected, or they forfeit their office. A person elected as director shall forfeit his office and cease to be a director by his ceasing to be a stockholder of the company, or by his absenting himself from the city of Mobile for more than four months at any one time, without the consent of the president and directors. The president and directors may fill vacancies occurring in their own body by death, resignation or forfeiture.

SEC. 12. *Be it further enacted*, That the president and directors of the company may prescribe the manner and form in which certificates of stock in the company shall be issued, and the manner and form in which such stock is transferred ; and the company shall have a lien on the stock of each stockholder for any debt or liability of such stockholder to the company, and may refuse to allow the sale or transfer of such stock until such debt or liability is discharged.

General meeting and what may be done.

Absence of official filled by appointment.

Manner of voting

Proxies.

Term of directors office.

Forfeiture of office.

Vacancies how filled.

Issue and transfer of certificate of stock.

Lien.

SEC. 13. *Be it further enacted*, That in the months of  
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<hr style="width: 100%; margin-bottom: 10px;"/> <p>Report of estimates.</p> <p>Dividends.</p> <p>Payments in ash.</p> <p>Interest when il, &amp;c.</p> <p>Renewals and securities.</p> <p>Power in using money</p> <p>When charter</p>	<p>January and July of each year, the president and directors of the company shall make or cause to be made by the proper officer of the company, an estimate of the profits and losses and condition of the company, and when the board of directors shall think it advisable and judicious, they shall declare a dividend or dividends from time to time as they may think proper, and the dividends awarded to the stockholders shall be entered as a credit on their stock notes respectively, until the said notes are fully paid. But if any stockholder has paid his stock in full, his dividend shall be paid in money.</p> <p>SEC. 14. <i>Be it further enacted</i>, That any subscriber to the stock of said company, may, at the time of his subscription, pay in cash, all or any part of the amount subscribed for by him, not less than ten per cent. on the whole amount, and any stockholder may, after subscription, pay up the whole or any part of the stock note given by him. If the profits of the company exceed its losses and expenses, the company shall allow and pay to the stockholders who have paid money to the company, on account of their subscription in advance of the installments called for, interest on the amount so paid in by them in advance respectively, from the times of such payments, at the rate of eight per centum per annum and this payment of interest shall be considered a part of the expenses of the company, in making the semi-annual estimate and statements aforesaid.</p> <p>SEC. 15. <i>Be it further enacted</i>, That the president and directors may at any time require a note given for stock to be renewed, or further or other security to be given, and they shall require such renewal before a recovery on any such note is barred by the statute of limitations ; and if the party fails to renew such note within ten days after notice, the whole amount of such note shall be and become then immediately due and payable and it may be put in suit at any time.</p> <p>SEC. 16. <i>Be it further enacted</i>, That the said company may use its money, whether arising from capital or earnings , in lending out the same at lawful interest on such security as it may think proper, or in discounting or purchasing promissory notes or bills of exchange, and it may invest or use the same or such part thereof as it may think advisable in the purchase of real estate or other property.</p> <p>SEC. 17. <i>Be it further enacted</i>, That the corporate au-</p>
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forfeited.

thority hereby granted shall be forfeited, unless the com-



pany hereby authorized to be formed is actually formed and organized within one year from the passage of this act, and when organized the said company may continue for twenty years from the passage of this act. The company hereby created shall be subject to such general laws as are now in force, or may be hereafter enacted in regard to similar corporations.

Term of charter.

Restrictions.

SEC. 18. *Be it further enacted*, That the books of the Mobile Fire Department Insurance company be kept open for the space of fifteen days, (unless one hundred thousand dollars be sooner subscribed for,) for all the members of the Mobile fire department to subscribe for stock, and if this amount of capital stock is not then subscribed for, the books shall then be kept open for five additional days, or longer, as the corporators may determine , for the citizens.

Time of keeping books open.

SEC. 19. *Be it further enacted*, That the fire companies of Mobile may severally subscribe in the name of their respective companies, for such amount of stock as they may deem advisable, and the fire department association of Mobile may also subscribe for such amount of stock as it may deem advisable ; Provided, That no individual or corporation shall be allowed, during the first fifteen days after the books are opened, to subscribe for more than one hundred shares of stock, except the said fire department association, and it shall not be allowed to subscribe for more than four hundred shares of the stock; and provided, also, in all cases of subscription where the whole amount is not paid in cash, the deferred payments shall be secured by notes or bonds, with security satisfactory to the directors.

Privileges and restrictions of fire companies in subscribing.

SEC. 20. *Be it , and it is hereby further enacted*, That all laws and parts of laws inconsistent with the provisions of this act, be, and the same are hereby repealed.

Repeal.

Approved, February 21, 1866.

No. 249.]

AN ACT

To incorporate the Selma and Montgomery Navigation Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assem-*

*bly convened*, That D. DeHaven, and such other persons

Corporators

Name.	as he may associate with him, be and they are hereby incorporated, and made a body corporate, and that said body corporate shall be named and known by the name of "The Selma and Montgomery Navigation Company," and by that name said company may sue and be sued plead and be impleaded, in any and all the courts of this State. Said company shall have the right to have and use a common seal, and to alter or change the same at pleasure, and to make all such by-laws and rules for their government, as may be necessary, so that the same shall not be inconsistent with the constitution of the United States or the constitution and laws of this State, and they shall have power to hold and enjoy real and personal property, not to exceed in value the sum of five hundred thousand dollars.
Privileges.	
Capital stock.	SEC. 2. <i>Be it further enacted</i> , That the capital stock of said company shall be three hundred thousand dollars in shares of five hundred dollars each ; fifty thousand dollars of which stock shall be taken and subscribed before said company can organize, and said company may at any time increase their said capital stock, not to exceed five hundred thousand dollars.
Organization and powers	SEC. 3. <i>Be it further enacted</i> , That said company shall have power, so soon as stock to the amount of fifty thousand dollars shall have been subscribed , to organize by the election of a president and such other officers as they may deem necessary ; and they may establish their office or place of business at such point as they may elect.
Business and objects of company	SEC. 4. <i>Be it further enacted</i> , That it shall be the main business and objects of said company to run a daily line of steamers on the Alabama river, between the cities of Selma and Montgomery ; but they are authorized and empowered to run steamboats and other vessels for the transportation of freight and persons, over any and all the rivers and waters of the State of Alabama.
Powers	SEC. 5. <i>Be it further enacted</i> , That said company shall have power , and are hereby authorized to build or construct, or cause to be built or constructed, as many steamboats and other vessels, or purchase the same, as may be necessary for carrying on, and for the successful prosecution of their said business.
Register and stock transfer of	SEC. 6. <i>Be it further enacted</i> , That each stockholder's shall be registered in a book of the company, kept for that purpose, and can only be transferred by transfer

stock

on the books of the company, and each stockholder shall

be liable for all the debts of the company, out of his private property, to the full amount of his or her stock, but not further.

Liability of stockholders.

SEC. 7 . *Be it further enacted*, That said company shall have no power to issue notes or bills, to circulate as money, and that this charter shall continue in force for twenty-five years ; Provided, That said corporators shall be required as soon as the said company shall organize and commence operations to keep at all times on the Alabama river, a daily line of comfortable and convenient passenger steamboats, running between the city of Montgomery and the city of Selma.

Term of charter.

Proviso.

Approved, February 22, 1866.

No. 250.]

AN ACT

To incorporate the Mobile and Alabama Grand Trunk Rail Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Charles Walsh, W. B. Hamilton, W. Gazzam, C. C. Huckabee , W. B. Modewell, T. R. Jones, John G. Coleman, Felix Adams, Henry W. Hatch, Dr. E. H. Moren, J. N. Smith, Isom Kimball, Alex. Carleton, John Y. Kilpatrick, W. H. Tayloe, A. B. Moore, J. R. Johns, Charles P. Gay, F. B. Clarke and Lewis Troost with such other persons as shall associate with them for that purpose, are constituted a body politic and corporate by the name of “ Mobile and Alabama Grand Trunk Railroad Company,” and by that name to sue and be sued plead and be impleaded , and to make and have a common seal, and the same breaks, alter and renew at pleasure and this company is hereby vested with all the powers, privileges, and immunities which are or may be necessary to carry into effect the purposes and effects of this act.

C.

Corporators.

Name.

Privileges

SEC. 2. *Be it further enacted*, That said company is hereby authorized and empowered to survey, locate, construct, complete, alter, maintain, and operate a railroad with one or more lines or tracks of rails from the city of Mobile, northwardly, through the State of Alabama, with branches to the same, with one or more lines or tracks

Powers

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of rails, connecting with the Alabama and Mississippi Rivers Railroad, the Northeast and Southwest Railroad, the Alabama and Tennessee Rivers Railroad, the North and South Alabama Railroad, and with any other railroads which are now or may hereafter be constructed in the State of Alabama, on such routes as may be found best, and to transport, take, carry persons and property upon said railroads or ways by the power and force of steam, of animals, or any mechanical power, or any combination of them which said company may choose to apply, and for the purpose of constructing said railroad

Further powers and branches, the said company is hereby authorized to lay out its road and branches throughout their length not exceeding one hundred feet wide, and for the purpose of depots, machine shops, warehouses, engine houses, water stations, wood sheds, and other buildings necessary for the business of the road and branches cuttings, embankments, and for the purpose of turn-outs and for obtaining earth, stone, and gravel, may take as much more land as may be required for the construction and security of said road and branches, with permission to make any lawful contract with any other railroad or other corporation in relation to the business of said company, and also to make joint stock with any other railroad corporation, and form continuous through lines ;

Provided, That all damages that may be occasioned to any person or corporation by the taking of any such land or materials aforesaid, for the purpose aforesaid, shall be paid by said company in the manner hereinafter provided.

SEC. 3. *Be it further enacted*, That the capital stock of said company shall be three millions of dollars, which may be increased from time to time to any sum not exceeding the entire amount expended on account of said road and branches, to be divided into shares of one hundred dollars each, which shares shall be deemed personal property, and may be transferred in such manner and at such places as the by-laws of said company may direct

Provided, That said company may commence the construction of said road, with all the powers and privileges contained in this act whenever the sum subscribed to the capital stock shall exceed one hundred thousand dollars.

SEC. 4. *Be it further enacted*, That the board of directors of said company shall have power to require the payment of sums subscribed by stockholders in such man-

ner and in such times as they may deem proper and on

refusal or neglect on the part of stockholders, or any of them, to make payment on the requisition of the board of directors the shares of such delinquent may, after thirty days' notice , be sold at public auction under such rules as said board of directors may adopt. The surplus money, if any remains after deducting the payments due, with the interest and necessary costs of sale, to be paid to such delinquent stockholder.

Forfeiture.

SEC. 5. *Be it further enacted*, That the persons named in the first section of this act, shall, at the time deemed by them most suitable, cause books to be opened for subscribers to said stock in such manner and places as they shall direct.

Books of subscriptions

SEC. 6. *Be it further enacted*, That all the corporate powers of said company shall be vested in and exercised by a board of directors, and such officers and agents as they may appoint. The board of directors shall consist of stockholders, who shall be chosen each year by the stockholders of said company. A majority of the directors shall be a quorum for the transaction of business. They shall elect annually one of their number to be president of the board, who shall also be president of said company; they shall also choose a secretary and such other officers as they may deem necessary, and a treasurer, who shall give bond, with security, to said company, in such sums as the said directors may require for the faithful discharge of his trust.

Powers vested in directors.

Quorum.

President and other officers.

SEC. 7. *Be it further enacted*, That the persons named in the first section of this act, or a majority of them, are hereby authorized, after the books of subscription to the capital stock of said company are closed , or when the sum subscribed shall exceed one hundred thousand dollars , to call the first meeting of the stockholders of said company in such way and at such time and place as they may appoint, for the choice of directors of said company and in all meetings of the stockholders of said company each shares entitles the holder to one vote, which vote may be given by said stockholder in person, or by lawful proxy, and the annual meeting of the stockholders of said company, for the choice of directors shall be holden at such time and place , and upon such notice as said company may in their by-laws provide.

First meeting when called.

One vote to each share.

Annual meeting.

SEC. 8. *Be it further enacted*, That in case it shall so happen that election of directors shall not be made on

Failure to elect does not



the day appointed by the by-laws of said corporation

dissolve Co.

said company for that cause shall not be deemed to be dissolved, but such election may be holden on any subsequent day which the then existing directory may appoint. The directors elected are to continue in office until their successors are elected and qualified. Vacancies in the board shall be filled by a vote of two-thirds of the directors remaining, such appointees to continue in office until the next regular annual election of directors.

By-laws and regulations and powers therein.

SEC. 9. *Be it further enacted*, That the directors shall have full power to make and prescribe such by-laws, rules and regulations, as they shall deem proper and needful touching the disposition and management of the stock, property, and effects of said company, not contrary to this charter, or the laws of this State, or of the United States, the transfer of shares, the duties of their officers and servants, touching the meeting of directors, and all matters whatsoever, which may appertain to the concern of said company. Said company is also hereby author-

Power to purchase and hold real estate, and further in relation thereto.

ized to purchase, receive, and hold estate as may be necessary and convenient in accomplishing the objects for which this incorporation is granted, and may, by their agents, surveyors and servants enter upon all lands and tenements through which they may think it necessary to make said road and branches, or upon which they may deem it necessary to erect depots, warehouses, machine shops, wharves, engine houses, water stations, wood sheds, platforms, and other requisite buildings and structures for the business of the road and branches, and upon lands that may be required for cuttings and embankments, for turnouts and stations, and for stones, gravel, earth and timber, and to survey, lay out, and construct the same, and to agree and contract for said lands, to be used as aforesaid, with the owners thereof. In case the said lands belong to the estate of any deceased person, then with the executor or administrator of such; in case of the same belonging to a minor or a person *non compos mentis* then with his or her guardian and guardians; or in case the said lands be held by trustees of school sections or other trustees of estates, then with such trustees; and the said administrators, guardians, or trustees, are hereby declared competent for such estate or minor, to contract with the said company for the right to use, occupy, and possess the lands of such estates, minors or trustees, to be used as aforesaid, and the act and deed of such execu-

tors, administrators, guardians, or trustees in relation

thereto, shall pass the title in said land in the same manner as if said deed or act was made or done by a legal owner of full age ; and such executor, administrator guardian, or trustee, shall account to those interested upon their respective bonds for the amount paid him in pursuance of said agreement and composition, and if the said company and parties representing lands prefer, they may refer the question of arbitration to arbitrators mutually chosen , whose award, or that of their umpire, in case of disagreement, shall vest title according to its terms.

SEC. 10. *Be it further enacted*, That if the said company cannot agree with the owner of the land, which they desire to use as aforesaid, or with the executor , administrator, guardian, or trustee, it shall and may be lawful for the clerk of the circuit court of the county in which said land lies, on application of said company, or its agents, and he is required to issue a writ of *ad quod damnum* commanding the sheriff that without delay he cause a jury of six good and lawful men to be upon said land on a day to be by said sheriff fixed and appointed, and whereof it shall be his duty to give notice to the owner, executor, administrator, guardian, or trustee, at least five days before such day, if they be within his county, or if not, or if the owner or owners be unknown, the notice shall be given by advertisement, to be by said sheriff posted and fixed on the dwelling house, if such there be, or in a public and conspicuous place at least five days before such appointed day, and also by advertising the same in some newspaper published nearest to the land, at least three weeks by weekly insertions prior to said day, and then cause said jury, after having been duly sworn by said sheriff or justice of the peace, to make true inquest of the damages that will be sustained by such owner or estate by reason of making such road or branches through such land. If any juror shall fail to appear, or by reason of challenge for cause of otherwise, fail to sit on such inquest, the said sheriff shall fill such jury from the by-standers ; and if they fail to render a verdict the said sheriff shall, on the same day, or a subsequent day, empanel a jury or jurors until a verdict be had. Such verdict and inquest, regularly certified by said sheriff, shall be returned to the office of the clerk of the circuit court of the county in which said land may be, and

Ad quod damnum.

Duty of sheriff.

Results of ver-

there remain among the records ; and such verdict shall

dict.

vest in said company the right to occupy and use said land for the purpose of said railroad and branches on the payment or tender of payment of the damage there assessed against said company ; and in case of persons and unknown as aforesaid, in placing of the amount of damages to the credit of the owner in the hands of the judge of probate of the county in which such lands lie shall be deemed and taken as payment, and such judges shall be liable on their bonds to make due payment of said money on demand.

Duty of sheriff.

SEC. 11. *Be it further enacted*, That it shall be the duty of the sheriff to appoint and hold said inquest within ten days after the receipt of said writ, *ad quod damnum*, except in cases of absence as aforesaid , in which cases thirty days shall be allowed him, and five additional days are allowed him for every additional jury which he may have under said writ ; and for every default therein the said sheriff shall be fined by the circuit court, at the instance of either party, not less than twenty or more than one hundred dollars ; and every juror and witness so summoned, unless excused by the circuit court, shall be fined not more than ten dollars for non-attendance. Of all such fines, as well as costs, the circuit court of the county shall have jurisdiction. There shall be allowed the following fees : to the clerk of the circuit court, for every writ of *ad quad damnum*, seventy-five cents ; to the receiving and filing inquest, seventy-five cents ; to the sheriff for giving notice, seventy-five cents, besides printers' fees , not exceeding two dollars; in each case for holding inquest, five dollars ; summoning witnesses, twenty-five cents each ; to jurors , seventy-five cents each per diem ; which fees are not allowed until a verdict be returned and filed, and shall be taxed in the bill of costs, and paid by the company ; Provided, however, that before the application for said writ the said company may make a tender to the owner or owners of any such lands a sum of money by them deemed equivalent to the damage to be sustained, and upon refusal to accept the sum tendered, and a verdict for the same amount or a less sum, the costs shall be taxed to and paid by the owners of the land on which the inquest is held.

Penalty on sheriff for default and also on jurors.

Fees.

Proviso.

Appeal.

SEC. 12. *Be it further enacted*, That either party may appeal to the next circuit court within thirty days after the assessment, by application to the clerk of said court,

after giving security for the prosecution of such appeal,

and in case the same is taken by the corporation for the judgment which may be rendered against it on appeal.

SEC. 13. *Be it further enacted*, That the trial of such appeal shall be *de novo* , and if the corporation be the appellant and the damages assessed are equal to or greater than found on the previous inquest, the appellant must pay the costs, and the court may award damages not exceeding ten per cent., if of opinion that the appeal was merely for delay.

Incidents of appeal.

SEC. 14. *Be it further enacted*, That in case the appeal is not taken by the corporation and the appellant does not recover more damages than were assessed to him in the previous inquest, judgment for cost must be given against him. In such appeal when the judgment is against the appellant, execution may issue against his security.

The same.

SEC. 15. *Be it further enacted*, That the operations of said railroad company, in surveying , locating and constructing its roads and other work, shall in no wise be delayed on account of the proceedings aforesaid.

Operations not delayed.

SEC. 16. *Be it further enacted*, That whenever, in the construction of said railroad and branches, it may be necessary to cross or intersect any established road or way, it shall be the duty of said company so to construct their railroad and branches as not to impede the passage of such established road or way, and in all cases where any road or public highway is so located that said railroad and branches cannot be judiciously laid out and constructed across or upon the same without injury therewith, in such case or cases said corporation may, by their engineer, cause such road or roads changed or altered in such manner that said railroad and branches may be made on the best site of ground for that purpose ; Provided, Said corporation shall put such road or roads in as good repair as at the time of altering or changing the same.

Duties as to other roads.

SEC. 17. *Be it further enacted*, That the said Mobile and Alabama Grand Trunk Railroad company may cross with its railroad and branches the navigable waters of the bay of Mobile at one or more points, by bridges with draw or revolving sections for the passage of water craft.

Proviso.

Privilege to

build bridges.

SEC. 18. *Be it further enacted* , That the directory of said company shall have power to establish such rates of tolls for the conveyance of persons and property upon the railroad and branches as they shall from time to time deem proper and to levy and collect the same for the use

Tolls, &c.



of said company. All matters and things respecting the

Equitable terms.	<p>use of said railroad and branches, and the conveyance of passengers and property shall be in conformity to such rules and regulations as said board or directors shall from time to time determine.</p> <p>SEC. 19. <i>Be it further enacted</i>, That whenever the routes of said railroad and branches shall intersect, cross or connect with any other railroad , such intersections, crossings, or connections shall be made upon fair and equitable terms. No discriminating charges shall be enacted , and facilities for the transshipment of freight and passengers and the interchange of rolling stock shall be afforded by each.</p>
Right of wayroad and free over State lands.	<p>SEC. 20. <i>Be it further enacted</i>, That in case said railroad and branches should cross any of the lands belonging to the State of Alabama, the right of way through said lands, one hundred feet wide, is hereby granted for said railroad and branches, to said company free of charge, and in case of cuttings and embankments ,gravel, earth stone, warehouses, engin houses, and other necessary buildings and of turn-outs and other appliances of the road and branches, as much more land as is necessary is hereby granted free of charge.</p>
Right to sell bonds.	<p>SEC. 21. <i>Be it further enacted</i>, That for the purpose of raising funds from time to time for the construction of said railroad and branches, and the purchase of iron and other materials, to be used thereon, said company is hereby authorized to issue, negotiate, pledge, hypothecate and sell their bonds in sums at rates of interest which may be deemed most expedient by the board of directors. The payment of the principal and interest of the bonds to be secured as the board of directors may think best.</p>
Proceedings against defaulting stockholders.	<p>SEC. 22. <i>Be it further enacted</i>, That when any portion of the stock subscribed to said railroad company shall be called for by the directions of the board of directors, and notice of said call shall have been given for more than thirty days that such call has been made, and specifying the per centum of stock so called for and the time when payment is required either by personal notice to the stockholders or by publication in some newspaper published in the city of Mobile, if any stockholder shall fail to pay the call so made, at the time required, such stockholder may be proceeded against by motion made in the circuit court of the county of the residence of such</p>

stockholder for the amount of stock so remaining unpaid,

which motion shall be made in writing, signed by an attorney at law, and shall set forth the call so made, the notice given, the amount of stock subscribed for by said stockholder, and the amount remaining unpaid on such stock so called for, and the term of the court at which the motion will be made. The sheriff of the county shall serve the notice and make his return thereon, and for his services shall be entitled to the same fees that are allowed sheriffs for like services in the execution of summons and complaints under the general law. The clerk shall docket the case in its proper order, and for his services in this case shall be allowed the same fees to which he is entitled for like services in other cases under the general law. If the motion so made is executed more than twenty days before the term of the circuit court, to which it is returnable, the case shall stand for trial at the first term after its issuance ; if executed within twenty days before such term, it shall not stand for trial until the next ensuing term of said court. All the rules of pleading and evidence applicable to actions of assumpsit under the code of Alabama, are applicable to proceedings under this section of this act, except that the certificates of the secretary of said company, accompanied with the seal of the company, shall be evidence of the organization of the company, of the by-laws, rules and regulations, and of the proceedings of the company, of the calls made from time to time by th action of the directors of the company, and of the amount subscribed to the stock thereof by any stockholder, and the amount due and unpaid on such subscription at the time such call was made or became due, and upon the production of such certificate, if no plea is entered by way of defense, or if the plea is withdrawn, the court hearing such motion shall enter judgment final by default, or *nil dicit*, as the case may be, for the amount so certified to be due, with interest thereon. Such certificates shall be evidence on the trial of any issue joined upon such motion, unless the defendant makes oath at the time of filing his plea, that he believes the plea to be true, and gives notice that other evidence will be required. But in all cases the defendant may adduce lawful proof to contradict such certificate ; all issues of fact joined upon such motion are to be tried as other civil actions, by jury.

SEC. 23. *Be it further enacted*, That in all proceed-

Security for

ings commenced under the provisions of this act, securi-

costs.

Change of venue.

ty for costs must be lodged with the clerk of the circuit court of the county in which the suit is instituted before such proceedings are commenced.

SEC. 24. *Be it further enacted*, That in all cases commenced under the provisions of section 22d of this act, either party may have a change of venue to the nearest county free from exception, upon application made and sufficient cause shown by affidavit, as in ordinary civil cases.

Penalty for injuries and manner of pro-railroad proceedings therein.

SEC. 25. *Be it further enacted*, That in case any person shall willfully injure or obstruct, in any degree, the said or branches, he shall forfeit and pay to the president and directors of said company three times the amount of all damages they may sustain in consequence thereof, to be sued for and recovered in the same manner as provided by law for individuals in like cases ; and on complaint made to any magistrate within those jurisdiction such offense shall be committed, it shall be the duty of such magistrate to bind the person or persons so offending with sufficient security for his or their good behavior, for a period of not less than one year ; and such offender shall be subject to indictment, and shall be sentenced, at the discretion of the court, to be imprisoned not less than three, nor more than six months.

Banking privileges prohibited.

SEC. 26. *Be it further enacted*, That nothing in this act shall be so construed as to confer upon said company any right to exercise the powers of a banking company.

Commence in 5 years.

SEC. 27. *Be it further enacted*, That said company here- incorporated shall commence the building of said road within five years from the passage of this act.

Repeal.

SEC. 28. *Be it further enacted*, That all laws contravening the provisions of this act are hereby repealed. Approved, February 23, 1866.

No. 251.]

AN ACT

To incorporate the Labor Regulating Association of Clarke county.

Corporators.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That D. Daffin, H. M. Dawson, Isaac Grant, L. James, A. J. Wilson, J. Austill, E. M. Portis, S. For-

wood, E. P. Chapman, J. N. Robinson, E. S. Pugh, T. J. Kinbell, W. P. Gwinn, J. J. Olds, J. R. Nettles, D. C. McClaskey, Wm. Cunningham, A. Carleton, Green Davis, B. C. Foster and J. B. Caves, and their successors be, and they are hereby declared to be a body politic and corporate, by the name and style of the "Labor Association of Clarke County," and as such shall be capable and liable in law to sue and be sued, plead and be impleaded, and to have and use a common seal, and the same to break, alter or amend at pleasure.

Name.

Privileges.

SEC. 2. *Be it further enacted,* That the said coporators above named, and their successors, or a majority of them, are hereby authorized to elect one of their number as president, and to appoint all such officers and to make all such rules, regulations and by-laws as they may deem expedient and necessary for the good government and direction of said association [and receive as many additional members to said association] as they may see proper ; Provided, That such rules, regulations and by-laws shall not be repugnant to the Constitution and laws of the State of Alabama, or of the United States.

President.

By-laws.

Proviso.

SEC. 3. *Be it further enacted,* That said corporation shall be privileged to accept of said body corporate, and they are hereby invested with full authority, to obtain by purchase or otherwise, all manner or property, real, personal and mixed, and to receive all donations, gifts and privileges which may hereafter be made or granted to said association, and to have and hold the same, with all the rents, profits and advantages therefrom arising, for the use and benefit of said association ; Provided, That the capital stock of said association shall to exceed two hundred and fifty thousand dollars in value.

Power to hold property.

Proviso.

SEC. 4. *Be it further enacted,* That the said corporators, or a majority of them, may at any time sell or dispose of any property belonging to said corporation, and make good and sufficient titles therefor, under the signature of the president and with the seal of the corporation attached, and said corporators may borrow money for the use of it, and pledge the property of the corporation for the payment of the same by mortgage or deed of trust.

Powers to sell and pledge property.

SEC. 5. *Be it further enacted,* That whenever a vacancy shall occur in the corporators or officers of the association, by death, resignation, or otherwise, the survivors shall fill such vacancy in such manner as the by-laws of

Vacancy.

said corporation may prescribe.

Approved, February 23, 1866.



No. 252.]

AN ACT

To incorporate the Pioneer Oil and Mining Company of Alabama.

Corporators.	SECTION 1. <i>Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,</i> That Samuel Leeper, Wm. J. Borden, J. L. Williams, Joseph D. McCann, and William H. Edwards, their associates, successors and assigns, be, and they are hereby created a body corporate, by the name of "The Pioneer Oil and Mining Company of Alabama," and by that name may sue and be sued, contract and be contracted with, make and use a common seal, and the same to break, alter and renew at pleasure, establish by laws, rules and regulations for the organization and management of said corporation, and generally to do any and all acts that they may deem necessary to carry into full force and effect, all the rights, powers and privileges herein granted, not inconsistent with the constitution of this State, or of the United States.
Name.	
Privileges.	
Capital stock.	SEC. 2. <i>Be it further enacted,</i> That the capital stock of said corporation shall be fifty thousand dollars, to be divided into shares of twenty dollars each, with the privilege of increasing the same to such amount as the directors may deem necessary, to carry out the objects of said corporation ; Provided, That all rules regulating the increase of the capital stock, shall be for the benefit of, and bear equally upon all the stockholders.
Proviso.	
Liability of stockholders.	The stock shall be deemed and held as personal property, and if any stockholder shall refuse or neglect to make the payments of his stock as they become due, the same may be sold by order of the president and directors, and such stockholder shall be liable for the balance due by him as stockholder to the corporation, as it becomes due, and may be sued for the same in any court having jurisdiction.
Election of directors and president.	SEC. 3. <i>Be it further enacted,</i> That when the sum of fifty thousand dollars shall have been subscribed, the stockholders may proceed to the election of seven directors, who shall be stockholders, and who may elect a president out of their own number. The directors shall have full power to appoint and remove all officers, agents and clerks of the corporation, fix their compensation,

prescribe their duties, and provide for taking bonds from

them, to ensure the faithful performance of their duties, and the security of said corporation ; and they may fill any vacancies in their own body; appoint a president *pro tempore*, in the absence of the president ; and they may establish such by-laws, rules and regulations for the management of the affairs of said corporation, as they may deem proper, not inconsistent with the provisions of this act.

SEC. 4. *Be it further enacted*, That the books of subscription to the capital stock of said corporation, may be opened under the direction and management of the parties named in the first section of this act, or a majority of them, and under such regulations as they may prescribe.

Books of subscription.

SEC. 5. *Be it further enacted*, That said corporation shall have the right to bore, explore, mine and dig for oil and other fluids, coal, iron and other minerals, metals, and substances, manufacture and refine the same, transport and sell the same in a crude, or manufactured and refined state, and they may buy, receive, lease, hold and convey such lands as they may deem necessary to carry out the objects of this corporation. They shall also have the right to construct such roads, canals and other works, from their mines, wells or other works, to such railroads and rivers as may be the most convenient for the transportations of their materials and manufactured and unmanufactured articles, and to charge fare, toll and freight to persons who may travel or send freight over said roads, canals and other works ; Provided, That said corporation shall pay just compensation for the right of way ; And, provided, That the property, funds and business transactions of said corporation shall be liable to the same taxation as the property, funds and business transactions of like corporations.

Rights.

Proviso.

SEC. 6. *Be it further enacted*, That said corporation shall be responsible to its creditors to the extent of its property and assets, and the stockholders to the extent of their unpaid stock.

Responsibility of stockholder.

SEC. 7. *Be it further enacted*, That this charter and all the rights, powers and privileges herein granted, shall continue in full force and effect, for thirty years from the approval of this act.

Term of charter.

Approved, February 23, 1866.

To incorporate the Mobile Medical Society.

Corporators.	SECTION 1. <i>Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,</i> That Josiah C. Nott, George A. Ketchum, Robinson Miller, Dabney Herndon, and their associates and successors, be, and they are hereby created and constituted a body politic and corporate, under the name and style of the "Mobile Medical society," and under that name may sue and be sued, plead and be impleaded, leave, hold, possess and enjoy, purchase and convey estate, real, personal and mixed, and may adopt such constitution and by-laws for the good government of said society as they may deem expedient, where the same do not conflict with the laws of the State, nor of the United States.
Name.	
Privileges.	
Examination of applicants for license.	SEC. 2. <i>Be it further enacted,</i> That the said corporation shall appoint, annually, five members of said society to examine all applicants for license to practice medicine in the city and county of Mobile, who shall perform the same duties that are required by the existing laws of the medical boards in the, State, and shall have the same powers.
Record of licenses.	SEC. 3. <i>Be it further enacted,</i> That the said corporation shall keep a record book, in which shall be entered copies of all the licenses that shall be issued by said board, and that no person shall be permitted to practice medicine for fee or reward, or to receive compensation for attending as a physician in the city or county of Mobile, unless a license shall have been granted by the said medical board, and upon such evidence of qualification either by certificate or diploma, from some recognized college of medicine, as in the judgment of said board shall entitle him to such license.
Not to practice without license.	SEC. 4. <i>Be it further enacted,</i> That any licensed physician in the city or county of mobile shall be entitled to admission into said medical society upon complying with the constitution and by-laws prescribing the terms of admission.
Membership.	SEC. 5. <i>Be it further enacted,</i> That all physicians who
Licenses to be have been licensed heretofore by any medical board to recorded.	practice medicine in the State, and who shall come to reside in the city or county of Mobile, may, within six

months from the passage of this act, or from the time of

their settlement in said city or county, cause to be recorded in the record book of said society the license or diploma under which their said profession is pursued; and if any physician shall fail to do so he shall not be entitled nor permitted to recover for any services at a physician, that he may render after the passage of this act, until he shall have complied with this section of the same.

Penalty.

SEC. 6. *Be it further enacted*, That the said society may organize a board of health, whose duty it shall be to watch over the sanitary condition of the city of Mobile, and in the event of a necessity for any alteration thereof, report the same to the city authorities for their cooperation in controlling any existing causes of disease.

Board of health.

SEC. 7. *Be it further enacted*, That this act shall remain in force for fifty years from and after the date of its approval, unless altered, modified, or repealed within that time.

Term of charter.

SEC. 8. *Be it further enacted*, That all parts of laws conflicting with the provisions of this act, be and the same is hereby repealed ; Provided, however, That this act shall in no wise affect or alter the rights of those who may choose try practice medicine under the Homoeopathic system exclusively, under restrictions now prescribed by law.

Repeal.

Proviso.

Approved, February 23. 1866.

No. 254.]

AN ACT

To incorporate the Decatur and Pittsburg Petroleum and Mining Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John B. Weaver, C. C. NeSmith, J. T. Facler, Henry A. Weaver, and their associates and successors, are hereby constituted a body politic and corporate under the name and style of the " Decatur and Pittsburg Petroleum and Mining Company," for the purpose of mining for petroleum, salt and other minerals and for manufacturing and vending the same ; to purchase, lease, or to release and sell mineral lands, and to continue in existence to them, their successors, associates and assigns, for the period of thirty years, with power to make and

Corporators.

Name.

Objects and purposes.

Privileges.	use a common seal, and to alter and charge the same at pleasure ; make such by-laws, not inconsistent with the laws of this State, and the laws of United States, as it may deem necessary for its government and corporate name; to sue and be sued, to plead and be impleaded to hold by purchase or otherwise, and to dispose of the same
Proviso.	in any way, any real estate or personal property which may be useful for carrying on its operations ; Provided, That the first cost of such real estate shall not exceed
Capital stock.	the maximum amount of the capital stock hereinafter provided for. SEC. 2. <i>Be it further enacted</i> , That the capital stock of said company be two hundred thousand dollars, with power to increase as the president and directors may deem necessary, to be divided into shares of one hundred
Basis of.	dollars each. Nothing but money, or mineral property or machinery, shall be regarded as a basis for capital stock,
Transfers.	the stock to be subscribed and paid for as the board of directors may prescribe. The shares shall be considered personal property, and shall be transferred only on the book of the company, in person or by attorney.
1st Directors.	SEC. 3. <i>Be it further enacted</i> , That the corporator named in the first section of this act shall be the directors for the first year and until others are elected in their
Annual meeting.	stead. The annual meeting of the company shall be held at such time and place as the board of directors may determine from year to year, thirty days' notice being given
Notice of.	in some newspaper, published near the place of business, of the time and place of such meeting. At each annual meeting a board of directors shall be chosen for the ensuing year, but in case of failure to elect a board of directors the charter of this company shall not be forfeited thereby, but the directors of the previous year shall continue in office until others are elected. The directors shall appoint one of their number president, and shall appoint such other officers and agents as they may deem proper, and affix their salaries.
Directors.	SEC. 4. <i>Be it further enacted</i> , That all stockholders not having paid their stock according to the subscription shall be individually liable to the creditors of the company to the amount so remaining unpaid, and in like manner shall the directors of the company be individually liable for any amount they may declare and authorize to be paid to the stockholders as dividends. When the com-
President and other officers.	
Liability of Stockholders.	

pany shall be enabled to pay all the debts due dry it, to



avoid such liability on his part the dissenting director shall enter or cause to be entered on the minutes of the board his dissent thereto, or if not present when the act is done, he shall so record his dissent thereto within thirty days after such dividend shall have been authorized.

SEC. 5. *Be it further enacted*, That the said company shall not contract any debts over and above the amount of capital stock paid in, no part of which shall be withdrawn, or in any way or manner diverted from the business of the company, without the consent of three-fourths in interest of the stockholder.

SEC. 6. *Be it further enacted*, That whenever said company shall purchase, lease or otherwise become possessed of mine, mines, or mineral rights without the limits the State, the directors may make a distinct interest of such mine or mines, and divide it into such number of shares as they may deem expedient.

SEC. 7. *Be it further enacted*, That no share of said stock shall be transferable unless the same has been paid up, and to entitle the assignee or holder to vote or to receive dividends, the transfer must be entered on the books of the company.

SEC. 8. *Be it further enacted*, That it shall be the duty of the directors to make and declare dividends, and of the net profits of the company, among the stockholders, in proportion to the amount of stock held by each at such time as they may think advisable.

Approved, February 21, 1866.

Restrictions.

Relating to property in other States.

Manner of transfer, &c.

Dividends.

No. 255.]

AN ACT

To incorporate the Commercial Savings Company of Mobile.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That a company be established in the city of Mobile, the capital stock of which shall not exceed five hundred thousand dollars, which may go into operation when the sum of one hundred thousand dollars shall have been subscribed.

Establishment.

Capital stock.

SEC. 2. *Be it further enacted*, That Br. Tardy, Charles

<p>Commissioners and their duty.</p>	<p>Hopkins, James Bond, W. G. Clark, and Dudley Hubbard, be authorized as commissioners to receive subscriptions to the capital stock of said company, and to open books and to close the same, when the sum of one hundred thousand dollars shall have been subscribed, and that as soon as said sum shall have been subscribed, they shall call a meeting of the subscribers, and proceed to organize and put the said company in operation.</p>
<p>Directors, president and other officers and their powers.</p>	<p>SEC. 3. <i>Be it further enacted,</i> That said company shall be organized by the election from among the stockholders of a board of directors of five persons, who shall choose one of their number as president and appoint a secretary, cashier and necessary officers. The directors shall prescribe rules and by-laws, regulating the business of the company ; they shall fill vacancies in their number ; they shall take bond from the officers of the company, for the faithful performance of their duties, in such sum as they may prescribe, and they shall continue in office until their successors are elected and qualified. There shall be an annual meeting of the stockholders and such special meetings as may be deemed necessary.</p>
<p>Term of office.</p>	
<p>Annual and special meetings.</p>	
<p>Payments in cash and notes.</p>	<p>SEC. 4. <i>Be it further enacted,</i> That at the time of subscription, there shall be paid ten per cent. upon the amount subscribed, and the balance shall be secured by notes with good personal security, payable in such sums and amounts as may be called for by resolution of the board of directors ; and said board of directors shall have power to pass by-laws to prevent the assignment and transfer of shares by parties owing debts to the company past due, until such indebtedness be paid, and to withhold dividends to persons so being in default, if they think proper.</p>
<p>Powers.</p>	
<p>Receipt of deposits.</p>	<p>SEC. 5. <i>Be it further enacted,</i> That the said company shall be empowered, and it is the duty of said company to receive and deposit the savings and earnings of clerks, shopkeepers, and other persons offering the same, and to give acknowledgments for such deposits ; to pay to such depositors interest, upon such terms and rates as may be agreed upon, or as may be provided in the by-laws, in case of no agreement, and to repay the principal after such notice, as may be prescribed in the by-laws, and upon surrender of the receipts or acknowledgments of the company ; Provided, That said company shall not be compelled to receive a smaller sum than twenty dollars,</p>
<p>Interest.</p>	
<p>Proviso.</p>	

nor to pay interest, unless deposited as savings, and for a

longer period than thirty days ; that it shall be the further duty of said company to receive for collection upon the usual terms, all notes and bills of exchange running to maturity, and payable at its office, or at any of the banks or banking houses in the city of Mobile ; and all notes and bills made payable at its office, shall be governed by the law merchant, as established in this State.

Receiving and collecting notes and bills.

SEC. 6. *Be it further enacted,* That in order to pay interest to depositors, said company shall have power to make loans and discounts ; deal in money, notes, bills of exchange, bonds, mortgages, and securities of all kinds ; to receive deposits and transact all such business as is usually transacted by savings associations, and as are within the scope of such associations ; and said company is hereby declared able and capable in law to have, and to own, purchase, receive and possess lands, rents, tenements, hereditaments, goods, chattels and effects of whatever kind, nature and quality, money obligations, stocks, bonds, bills, notes, securities and choses in action of whatever kind or nature ; and the same may sell, grant, demise, alien, convey or dispose of; and may sue and be sued, and have and use common seal, and establish and ordain, alter and repeal by-laws, ordinances and regulations not inconsistent with the constitution and laws of this State, and the United States.

Powers as to using money, &c.

SEC. 7. *Be it further enacted,* That the company hereby incorporated, may exist for the space of thirty years from the time the same is organized.

Term of charter.

Approved, February 23, 1866.

No. 256.]

AN ACT

To amend "An act to incorporate the Factors' and Grocers' Marine and Fire Insurance Company of Mobile," approved December 4<sup>th</sup>, 1863.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act entitled, "An act to incorporate the Factors' and Grocers' Marine and Fire Insurance Company of Mobile," be, and the same is hereby amended as follows, to-wit : " Section 5. *Be it further enacted,* That Br. Tardy, Samuel Wolff and C. H. Minge are here-

Amendment.

by authorized to open books in the city of Mobile, for  
subscription to said capital stock, which said books shall

contintinue open until one hundred thousand dollars is subscribed, when the company may organize and commence business.” “Section 7. Be it further enacted, That as soon as the sum of fifty thousand dollars shall be subscribed, the said commissioners, Br. Tardy, S. Wolff and C. H. Minge shall give notice for three weeks, published in one of the newspapers of ht city of Mobile, calling the stockholders together at such time and place as they shall suggest in said notice, for any election of directors. The election shall be by ballot, each stockholder being entitled to one vote by proxy, in meeting, or personally, which election shall be held and conducted by said commissioners. All subsequent elections shall be held under the directions of board of directors, or in such manner as may be prescribed by the stockholders in general meetings.” Said sections 5 and 7, as set forth, be, and the same are hereby amended by striking out “C. H. Minge” where the same appears in each of the said sections, and inserting in lieu thereof “Robert Otis,” or any two of them.

Amendment.

SEC. 2. *Be it further enacted,* That the words “Confederate States,” wherever they appear in said act, be stricken our and “Unites States” be inserted in lieu thereof.

Amendment.

SEC. 3. *Be it further enacted,* That the 15<sup>th</sup> section of said act, which section is in words and substance as follows : “Be if further enacted, That each stockholder shall be liable for the debts and obligations of said company to the full extent of the stock subscribed by him, but no more,” be, and the same is hereby amended by adding, after the work “him” the words “and not paid in.”

Repeal.

SEC. 4. *Be it further enacted,* That section 12 of said act, which is in words and substance as follows : “Be it further enacted, That all contracts made by said company for the payment of money, or for the assignment of its effects, or sale of its property, must be in writing, signed by its president and countersigned by its secretary, and be authorized by a resolution of its board of directors,” be, and the same is hereby repealed.

SEC. 5. *Be it further enacted,* That section 17 of said act, which is in words and substance as follows : “Be it further enacted, That the president of said company shall on the first Monday in January in each year make out under oath, a complete statement of the affairs of the company, showing its assets and liabilities, and publish

the same in one of the newspapers in the city of Mobile, and on failure to comply herewith, the charter of the company shall be forfeited," be, and the same is hereby repealed.

SEC. 6. *Be it further enacted,* That the aforesaid act as amended be, and the same is hereby re-enacted for the term of thirty years from and after the approval of this act, and the same shall be held in full force and effect.

SEC. 7. *Be it further enacted,* That section 7 of said charter, as set forth in the first section of this act, be further amended by striking out the words " three weeks" where they occur in the same, and inserting in lieu thereof " five days."

Approved, February 23, 1866.

Term of charter.

Amendment.

No. 257.]

AN ACT

To incorporate the Wills Valley Mining and Manufacturing Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That for the purpose of promoting and developing the mineral and manufacturing interests of the State, Matthew B. McMahan, Lemuel L. Thomasson, John L. Barnard, Vance C. Larmore, Robert D. Ware, and their associates and successors, are hereby incorporated and constituted a body politic, under the name and style of the " Wills Valley Mining and Manufacturing Company," and under that name shall be capable, in law, of purchasing, leasing, renting and holding any and all such property, real, personal and mixed, and of exercising all the powers, rights, privileges and franchises necessary to the mining, manufacturing, transporting and vending any of the metals or minerals. May sue and be sued, plead and be impleaded, in any of the courts of law or equity ; may have and use a common seal, and generally do any other act or thing not in conflict with the constitution or laws of the State or United States necessary to promote the interests of the legitimate business of the company.

Purpose.

Corporators.

Name.

Privileges.

SEC. 2. *Be it further enacted,* That the capital stock of said company shall be two hundred and fifty thousand

Capital stock.

<p>When compa- ny may organ- ize.</p>	<p>dollars, divided into shares of the par value of one hundred dollars, with the privilege of increasing the same to five hundred thousand dollars.</p> <p>SEC. 3. <i>Be it further enacted,</i> That the persons before</p> <p>to the capital stock of said company, and when the subscriptions shall amount to a sum not less than fifty thousand dollars, the stockholders may organize and enact by-laws for the government of the company, and proceed to business; and in all meeting so the stockholders, each share of stock shall entitle the holder to one vote, which may be cast in person or by proxy.</p>
<p>Directors.</p>	<p>SEC. 4. <i>Be it further enacted,</i> That the affairs of said company shall be managed by a board of directors, to consist of five persons, three of whom shall constitute a quorum, and one of whom shall be, by the board, elected</p>
<p>President and other officers.</p>	<p>and another secretary, and treasurer, and the powers and duties of these officers shall be defined in the by-laws of the company, and their compensation respectively fixed and determined by the board of directors from time to time. The said board of directors shall be elected</p>
<p>Annual elec- tions, and term of office.</p>	<p>annually by the stockholders, and shall hold either office until their successors are elected and installed.</p> <p>SEC. 5. <i>Be it further enacted,</i> That the board of directors, or a majority of them, shall have power to call for payment in such installments as they may deem proper,</p>
<p>Forfeiture and sale of stock.</p>	<p>of any unpaid balancies due on the stock, and to provide for the forfeiture and sale of any share or shares of said stock, in default of payment, after thirty days' notice shall have been given, and such sales shall be final and valid, and such defaulting subscriber or subscribers thenceforth forever barred from recovery on account of such share or shares of stock thus sold.</p>
<p>Transfer and sale of stock.</p>	<p>SEC. 6. <i>Be it further enacted,</i> That the shares of stock in said company shall be considered and held in law as personal property, and may be sold and transferred on the books of the company in person, or by attorney, or assigned or bequeathed by the owners thereof.</p>
<p>Term of char- ter.</p>	<p>SEC. 7. <i>Be it further enacted,</i> That this act shall be and continue in full force for the space of thirty years from and after the date of its passage.</p> <p>Approved, February 23, 1866.</p>



No. 258.]

AN ACT

To incorporate the Mississippi Valley Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That for the purpose of promoting, developing and advancing the commercial, agricultural and manufacturing resources of this State, Samuel P. Walker, Samuel Tate, R. B. Hurt, Joseph D. Mason, W. C. Whitehouse, R. M. King, and Benj. F. Wheeler, be and they are hereby constituted a body politic an corporate, under the name and style of the "Mississippi Valley Company," and to continue in existence to them and their successors for the period of twenty-five years, with power to make and use a common seal, and the same to alter or change at pleasure ; to make such by-laws not inconsistent with the laws of the State, or of the United State, as it may deem necessary and proper for its government in its corporate name ; to sue and be sued, to plead and be impleaded. With a view to promote the settlement and cultivation of the lands of this State, said company may hold, by purchase or otherwise, real estate, and may dispose of the same by sale, lease or rent ; and with a view to encourage and aid the production and manufacture of cotton and sale thereof, said company may take and hold by purchase or otherwise, all machinery, tools, fixtures, real estate, merchandize, or other personal property which may be useful, advantageous, or necessary for carrying on its operations.

SEC. 2. *Be it further enacted,* That the capital stock of said company shall not be less than fifty thousand dollars, nor more than two and a half millions of dollars, one million only of which may be invested in real estate, and the remainder in manufactures and the other objects of this act. That real estate, or money, may be received in payment of stock subscribed, the value of the real estate to be determined as the board of directors may prescribe. The capital stock shall be divided into shares, of not less than one hundred dollars, and shall be considered personal property, transferable only on the books of the company in person, or by proxy.

SEC. 3. *Be it further enacted,* That the corporators herein named, or any five of them, shall be directors of

Purpose.

Corporators.

Name.

Term of charter.

Privileges.

Capital stock and its investment.

Transfer.

Directors.

said company for the first year, and until others are elect-

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Annual meet-  
ings.

Directors to  
be chosen.

Failure not to  
forfeit charter.

Taxes.

Date.

ed in their stead. The annual meetings of the company shall be held at such times and places as the board of directors may determine from year to year, thirty days' notice near the place of business being given of the time and place of meeting. At each annual meeting a board of directors shall be chosen for the ensuing year ; but in case of failure to elect a board of directors, the charter of this company shall not be forfeited thereby, but the directors of the previous year shall continue in office until others are elected in their stead. The appointment and pay of officers, and agents, shall be under the control of the board of directors.

SEC. 4. *Be it further enacted,* That the property of said company shall be subject to the same tax, and none other, that may be assessed against the property of like character and description belonging to corporations of like character.

SEC. 5. *Be it further enacted,* That this act shall take effect from and after its passage.

Approved, February 23, 1866.

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No. 259.]

AN ACT

To incorporate the Talladega Petroleum and Mining  
Company.

Corporators.

Name.

Privileges.

Objects.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That B. F. McGehee, John P. Timberlake, James Montgomery, H. F. Smith and M. Taul, and such other persons as may be associated with them, and their successors, be and they are hereby constituted a body corporate under the name and style of the " Talladega Petroleum and Mining Company," and by that name they shall be capable in law to hold, purchase, receive, possess and enjoy to them and their successors real and personal property to any amount they may deem useful in carrying all the objects of said corporation into full force and effect, which objects are to bore and mine for rock, oil or petroleum, and the purchase, leasing, development and working of oil lands in fee simple, or under lease ; the purchase or leasing, development, and sinking and working of oil wells, and the sale and development of such

lands, leases and wells, and also to mine coal, iron, copper, and other minerals, and to transport and sell said petroleum minerals and metals in a crude or prepared state, and the same to prepare for market in any manner they may deem most advantageous; and by that name to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts having jurisdiction, and the corporation shall have power to make, use, and have a common seal, and to break, alter, and renew the same at pleasure ; Provided, however, that said corporation shall be organized in accordance with the provisions of this charter within three years from the date of the approval of this act.

SEC. 2. *Be it further enacted,* That the capital stock of said company or corporation shall be one hundred thousand dollars, and the number of shares shall be one thousand of one hundred dollars each, and the said incorporation may increase the amount of capital stock to one million of dollars, and number of shares to ten thousand ; Provided, nevertheless, that the rules adopted shall be uniform, equally securing the rights of each stockholder.

SEC. 3. *Be it further enacted,* That the stockholders of said corporation shall have power to elect a board of directors, who shall elect such officers as they deem necessary to conduct and manage the affairs of said corporation, and by a vote of a majority of the directors or of the stockholders, to make such by-laws and pass such resolutions, and the same to put into execution as they may judge expedient for the interest of said corporation not being consistent with the constitution of this State nor of the United States.

SEC. 4. *Be it further enacted,* That if the officers are not elected on the day appointed by the by-laws, the corporation shall not for that cause dissolve, but those in office shall hold until their successors have been elected.

SEC. 5. *Be it further enacted,* That the said corporation have the right to contract railways and other roads from their mines or places of operation to such point or points as may be most convenient and practicable to establish direct communication with any public railroad or navigable river, and it shall be entitled to acquire the right of way for such roads, and the necessary turn-outs and such lands as may be necessary for depots ; and in acquiring the right of way from main roads, and the ne-

Privileges.

Proviso.

Capital stock.

Proviso.

Directors and other officers.

By-laws, &c.

Failure to elect not to forfeit charter.

Right of way.

cessary turn-outs, and the lands for depots, the corpora-

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Tolls. tion shall in all cases make just compensation to the owner or owners of such lands before acquiring any right to the same, and that said corporation may levy and collect fare, freight, and tolls for the use of such roads constructed by it.  
Approved, February 23, 1866.

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No. 260.] AN ACT

To incorporate the Mobile Gas Light and Coke Company.

Corporators. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That William S. Caldwell, James H. Caldwell, Edward H. Caldwell, and Wm. S. Caldwell, as trustee for Sophia C. Deane, and their associates, successors and assigns, be declared and constituted a body corporate, by

Name. and under the name and style of the "Mobile Gas Light and Coke Company."

Privileges. SEC. 2. *Be it further enacted,* That said company, by their corporate name, shall sue and be sued, plead and be impleaded, contract and be contracted with, have and use a common seal, and the same alter at pleasure, hold real and personal property, and may ordain and put in execution such by-laws and regulations as may be deemed necessary to conduct and carry on the business of said company.

Business of company. SEC. 3. *Be it further enacted,* That the business of said company shall be the manufacturing and selling gas, coke, tar, and all such other articles as may be necessary in prosecuting said business ; that said company shall have the privilege, for thirty years, of laying their pipes and tubes in or under the streets and alleys of the city of Mobile, under such rules and regulations as may be agreed upon between said company and the city authorities, so as not to obstruct said streets and alleys, nor interfere with the side walls, further than may be necessary to introduce gas into any premises which may be required or contracted to be lighted.

Further privileges. SEC. 4. *Be it further enacted,* That if any person or persons shall wilfully injure or destroy any portion of the gas works, or fixtures, or other property belonging to

Restrictions.

said company, or shall wilfully open a communication into the street pipes , or other gas pipes, or let on gas after it had been stopped by the authorized agents of the company, such person or persons shall be liable for all damages sustained by such proceedings, and shall, on conviction of any or either of said acts or offenses, before the mayor of the said city, or before any magistrate in said city, who shall have jurisdiction of the same, be fined in a sum not exceeding fifty dollars, one half to the use of the informer, and the other to the use of the city, and upon a failure to pay said fine, the offender shall be imprisoned as other offenders in like cases are authorized to be imprisoned by the laws and regulations of said city.

Penalty for injuries.

Approved, February 23, 1866.

No. 261.] AN ACT

To amend an act entitled “An Act to incorporate the Selma Savings Company,” approved Dec. 10, 1864.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the act above named, which in words is as follows: “ That William S. Knox, J. E. Prestridge, Wm. M. Byrd, C. E. Thames, W. M. Smith, or such of them, or such others as shall become subscribers thereto and their successors in office be and they are hereby created a body corporate, by the name and style of the “ Selma Savings Company” for the term of thirty years, to be located in the city of Selma ; and by that name may sue and be sued in any court of law or equity.

“SEC. 2. *Be it further enacted,* That the objects and duties of said company shall be to receive and deposit for safe keeping the earnings and savings of working people and others, to give the said depositors receipts or vouchers for said deposits, to pay the said depositors interest on said deposits, not above legal rates, as may be agreed on with the depositors, or as may be provided for in the by-laws in the absence of special agreements ; and to pay the principal to the several depositors on their call, order or check, or on the surrender of receipts or other vouchers.

Recital of the act to be amended.

“SEC. 3. *Be it further enacted,* That in order to enable

the company to pay interest to the depositors, and to pay the necessary expenses of the company, as well as to compensate its members and subscribers for the use of the common stock, the company shall have power to loan its surplus fund or securities, to discount and purchase promissory notes and bills of exchange, and to use their funds in any manner a private individual may lawfully do.

“SEC. 4. *Be it further enacted*, That said company may have a common seal, and may alter and change the same ; it may acquire and hold as a corporation, real estate sufficient for its own use and purposes, and such real estate as may be acquired in the way of security , or by legal collection of its dues.

“SEC. 5. *Be it further enacted*, That the business of said company shall be managed by five or more trustees to be elected by the subscribers to the common stock, to be elected annually, one of whom shall be elected and act as president ; and the trustees shall appoint one person to act as secretary and treasurer, with compensation to be fixed by the trustees.

“SEC. 6. *Be it further enacted*, That the trustees of said company shall frame and adopt by-laws and regulations for the government of the company, for the management of its business, for the transfer of stock, for the loan and collecting of its surplus funds, and for such other business as may be proper, and not inconsistent with the constitution and laws of this State, and the Confederate States.

“SEC. 7. *Be it further enacted*, That this company shall not go into operation until the sum of fifty thousand dollars is subscribed in capital stock, and the sum of ten thousand dollars thereof is actually paid in.

“SEC. 8. *Be it further enacted* That each stockholder shall be liable individually for the debts, contracts and obligations of said company (over and above this stock) to an amount equal to the amount subscribed by him as capital stock, and such liability shall continue for six months after the transfer of said stock, against the party transferring or selling stock, and the person purchasing stock shall be liable in like manner from the date of his purchase” ; Be, and the same is hereby amended as follows : The name of said Selma Savings Company shall be the “ Selma Savings Association,” and in each of the



sections in said act wherein the word “company” occurs,

the same be and is hereby amended by striking out said word and inserting the word association and in the last line of the sixth section of said act the word "Confederate" be and is hereby stricken out, and the word United inserted.

Amendment

Approved, February 23, 1866.

No. 262.]

AN ACT

To incorporate the Franklin Oil and Mining Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Martin Dotzheimer, John Egger, Washington G. Cain, William P. Schultz, and Hiram Haines, and such other persons as may hereafter be associated with them, and their successors, be, and they are hereby made and constituted a body corporate in fact and in name, under the style and title of the "Franklin Oil and Mining Company," and by the name shall be, and are hereby made able and capable in law to have, purchase, lease, receive, enjoy and realize to them and their successors, real and personal property to an amount which the said body corporate may deem necessary to carry all the objects of said corporation into full force and effect ; which objects are to bore, or mine rock-oil or petroleum ; to work oil-lands in fee simple, or under lease ; to sink or bore, and work oil wells ; to mine iron, lead, copper coal, and other minerals ; to transport and sell in the crude or prepared state, any petroleum, and metals, and minerals, and to prepare the same for market ; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts having jurisdiction ; to make, use and have a common seal, and the same to break, alter and renew at pleasure ; Provided, nevertheless, That the said corporation shall be organized according to the provisions of this charter, within three years from the date of the approval of this act.

Corporators.

Name.

Privileges

Objects.

Privileges.

Proviso.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation shall be one hundred thousand dollars, which may be increased to five hundred thousand dollars ; the said corporation shall have to privilege of prescribing the number of shares into which the capital

Capital stock, &c.



<p>Proviso.</p> <p>Directors and their powers and duties.</p>	<p>stock shall be divided, the mode in which it shall be taken , paid, transferred, or assigned ; and also, to prescribe the mode by which stockholders may vote , and the number of votes to which each share shall be entitled ; Provided, nevertheless, That the rules adopted shall be uniform, equally securing the rights of each stockholder.</p> <p>SEC. 3. <i>Be it further enacted</i>, That the business of said corporation shall be managed by a board of directors to be elected annually by the stockholders, which board or a majority, shall be authorized to elect such officers as may be deemed necessary for the government of the affairs of said corporation ; and also to order, establish, and put into execution such by-laws, ordinances and resolutions, as they may deem necessary and expedient for the government of said corporation, not being inconsistent with the constitutional laws of this State, or of the United States, and in general, to do and execute all and singular the acts, matters and things, which may be necessary for mining , transporting , and selling petroleum and metals, and minerals ; Provided, That if the officers are not elected on the day fixed by the by-laws or ordinances, the corporation shall not for this cause be dissolved ; the officers holding until their successors are chosen ; and it shall be lawful to hold said election on some other day, according to the rules of said corporation.</p>
<p>Proviso.</p>	<p>SEC. 4. <i>Be it further enacted</i>, That said corporation shall have the right to construct railroads, or other roads, from their oil wells, or mines, or places of operation, to any point deemed advantageous to establish communication with other railroads or water courses ; and in acquiring the right of way, or lands for turnouts, or depots, in</p>
<p>Rights of way</p>	<p>all cases just compensation shall be paid to the owner or owners of the same ; and to levy and collect tolls, fare, and freights ; and to build dams and other works necessary for propelling machinery used in carrying on the operations of the corporation ; and if deemed necessary , to clean out the Cahaba or other rivers and water courses.</p>
<p>Compensation all cases</p>	<p>SEC. 5. <i>Be it further enacted</i>, That this charter shall remain in force for twenty years from the date of its approval ; Provided, That nothing in this charter shall be so constructed as to confer upon the incorporators the right to obstruct any stream or water course , now declared navigable, or that may hereafter be declared navigable</p>
<p>Water privileges.</p>	
<p>Date.</p>	
<p>Proviso.</p>	

by law.  
Approved, February 23, 1866.

No. 263.]

AN ACT

To incorporate the Mississippi and Alabama Oil and Mining Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That James Sykes, Robert F. Matthews, Madison M. Brooks, Elias B. Fort, Joseph W. Womelsdorff, Charles Barkewell, Jacob J. Shannon, Thomas C. Billups, John M. Billups, Charles Sherrod, George L. Williams, William E. Pope, Thomas E. Cannon, William B. Winston, C. W. Mathews, and William B. Spillman, their associates, and successors be, and they are hereby incorporated , under the name of “The Mississippi and Alabama, Oil and Mining Company” ; that they and their successors may have a common seal, and shall have power to purchase, lease, sub-lease, and hold property, real, personal, and mixed, to the value of three hundred thousand dollars ; to sue and be sued, plead and be impleaded, in their corporate name, and they and their associates and successors, shall have power to make all needful by-laws, for their good government, so that the same be not contrary to the constitution of the United States, or of this State ; and generally, to do all such acts and things as pertain to a body corporate ; which corporation is only to exist for twenty years, and said company is hereby incorporated for that time.

SEC. 2. *Be it further enacted,* That the capital stock of said company shall not exceed the sum of three hundred thousand dollars to be subscribed for in shares of fifty dollars each, to be paid in par funds, and as soon as the sum of ten thousand dollars of the capital stock shall be paid in, the said company may, and they are hereby authorized to proceed to do business ; with power from time to time, to increase their stock until it reaches the aforesaid sum of three hundred thousand dollars.

SEC. 3. *Be it further enacted,* That said company shall have the power to purchase, own, lease, rent, receive and hold, for a term of years, or in “fee-simple” any lands, mines, minerals, coal, oil, and any personal property that may be required in the legitimate prosecution of their business and may sell and dispose of the same, or any part thereof, at pleasure ; and may make con-

Corporators.

Name.  
Privileges.

Term of charter.

Capital stock

When to proceed to business &c.

Powers as to holding property, &c.

tracts for the privilege of boring and mining ; and may

Proviso.	erect, or cause to be erected, all buildings, machinery and fixtures ; and generally , may do all things necessary and proper, to conduct and carry on the business of said company; Provided, That the property purchased, held and owned by said company, shall not at any time exceed their capital stock.
Rights of way	SEC. 4. <i>Be it further enacted</i> , That said company shall have power and authority to construct, keep in repair, and open roads to and from their said mining and boring works, by, and with the consent first obtained of the owners of the land over which the same may run.
Alienation of stock	SEC. 5. <i>Be it further enacted</i> , That if any stockholder shall desire to sell, transfer, or dispose of his stock, or any part thereof, he shall be at liberty to do so, according to such terms as the company may establish for the same.
Officers of company.	SEC. 6. <i>Be it further enacted</i> , That the officers of the said company shall consist of a president, cashier and five directors, besides the president and cashier , who shall also be directors ; and that the said officers shall be annually elected on the third Monday of December, in each and every year, or as soon thereafter as practicable ; the incumbent to continue in office until his successor is elected, except the cashier, who may be chosen and removed at pleasure, by the board of directors, together with such other officers and employees, may in their estimation require, and the said board of directors may require any officer, or employee to enter into bonds to any amount required by said board of directors, for the faithful discharge of their duties.
Election. Term of office.	SEC. 7. <i>Be it further enacted</i> , That the board of directors shall meet once in each month, for the transaction of business, or oftener if they see proper ; four of whom shall constitute a quorum ; any vacancy occurring in said board from any cause whatever, shall be filled by said company.
Exception.	SEC. 8. <i>Be it further enacted</i> , That so soon as said sum of ten thousand dollars, specified in second section of this act, shall be paid in, the said parties thus owning the stock so paid in, may immediately convene a meeting, at some convenient place in the town of Columbus, Mississippi, by giving one week's notice thereof, by publication in some newspaper, and proceed to elect the said president, cashier and five directors, which said president
Bond.	
Meetings.	
Quorum.	
Vacancy.	
When meeting convened	
Notice.	
Election and	



term of office. cashier and five directors, shall continue in office for

twelve months thereafter, and until their successors in office shall be duly elected and qualified ; said cashier, however, subject to removal , as provided for in sixth section of this act ; that after the first election the said board of directors, whenever necessary, may give notice for election, and appoint all subordinate officers and employees, and in case of vacancy in said board, by death non-acceptance, or resignation, the vacancy shall be filled by the board of directors ; and in case at any time the president shall be absent or unable to attend or discharge his duty, the said board shall, during such time, supply his place by appointment from among themselves, for the time being.

Power of directors.

SEC. 9. *Be it further enacted*, That the board of directors shall have power to appoint such officers, clerks and agents, as may be necessary for conducting and executing the business of said oil and mining company, and allow them reasonable compensation for their services ; to establish such by-laws, rules and regulations as they may deem necessary and convenient for the government and advantage of said corporation, not contrary to the laws of this State, or of the United States.

Further powers of directors.

SEC. 10. *Be it further enacted*, That the assets, property and effects of said company shall be liable and responsible for the debts and liabilities of said company ; but no member or stockholder, shall be liable or responsible, beyond the amount of his stock in said company for any debt or liability of said oil and mining company.

Liability of company.

SEC. 11. *Be it further enacted*, That this act shall take effect and be in force, from and after its passage.

Date.

Approved, February 23, 1866.

No. 264.]

AN ACT

To incorporate the Alabama Lumber and Manufacturing Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That A. P. Watt, S. P. Bates, W. B. Lanier W. H. Fowler, H. S. Witfield, T. C. Lanier, and such per-

Corporators.

Property.	<p>sons as may associate with them and their successors, be, and they are hereby made and constituted a body corporate, under the name and style of the "Alabama Lumber and Manufacturing Company," and by that name they shall be capable in law to hold, purchase, receive, possess, enjoy, alien, transfer and convey real and personal property, to any amount not exceeding one million of dollars to carry the objects of said corporation into full force and effect, which objects are to erect and put in operation, at any place or places in this State, water or steam mills, for the purpose of sawing and manufacturing lumber, and for any other manufacturing purposes, and the same prepare for market in any manner they may deem most advantageous, and by that name may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts having jurisdiction; shall have power to make, have and use a common seal, and to break, alter or renew the same at pleasure; Provided, however, that said corporation shall be organized in accordance with the provisions of this charter within two years from the date of the approval of this act.</p>
Purpose of corporation.	<p>SEC. 2. <i>Be it further enacted,</i> That the capital stock of said company shall consist of shares of one hundred dollars each, and a majority of the persons named herein may, at any time and place upon which they may agree, within at the time named for securing this charter, open books of subscription for said capital stock, and when the sum of fifty thousand dollars shall be subscribed in such shares, they may close the same and the stockholders may proceed to elect a board of directors who shall be stockholders in said corporation, and by said election shall secure and be entitled to all the benefits of this act; Provided, that the number of shares to constitute and capital stock may be afterwards increased by order of the directors to the full amount of one million of dollars, and they may issue therefor certificates of stock and sell the same, and the purchaser or owner thereof shall be to the amount of his shares, to all intents and purposes, a stockholder, with all the rights and subject to all the liabilities, as other stockholders.</p>
Board of directors.	<p>SEC. 3. <i>Be it further enacted,</i> That the board of directors of said corporation shall be elected annually, at the time to be fixed by the by-laws, and said board of direc-</p>

tors shall have power to elect such other officers as they

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may deem necessary to conduct and manage the affairs of said company, and said directors are hereby empowered to make such by-laws and pass such resolutions, and the same to put into execution, as they may judge expedient for the interests of such company or corporation, not inconsistent with the Constitution of this State, or of the United States, and in all elections for directors each share of stock of one hundred dollars shall represent one vote, and each owner of shares, and a majority of all the votes cast shall elect ; Provided, That two-thirds of the stock actually owned by the stockholders must be represented at each election of directors, and provided, further, that any stockholder may vote by proxy in such manner as the by-laws may direct, and that if the directors or other officers of the company be not elected on the day appointed by the by-laws, the corporation, for that cause, shall not be dissolved, but those in office shall hold until their successors are elected.

By-laws.

Election.

SEC. 4. *Be it further enacted,* That for the purpose of transportation, the said corporation shall have the right to build and construct canals, railways or other roads from their manufactories, mills, or place of operation, to such point or points as may be most convenient and practicable to establish direct communication with any railroad, river, or other water course, and it shall be entitled to have the right of way for such canals, roads, and the necessary basins, locks, turn-outs and depots, and to intersect with or cross other roads or depots, and to inroads or canals, and in acquiring the right of way for such canals, railroads, &c., the corporation shall make just compensation to the owner or owners of the land to be used therefor, and said corporation may levy and collect fare, freight and tolls for the use of the canals, roads, &c., constructed by it, and is hereby invested with the right to erect dams, wharves, and construct such works on water courses not declared public highways by the laws of this State, as they may deem necessary for the propelling of machinery and other purposes requisite to facilitate and carry on the operations of said corporation.

Canals and railroads.

Right of way.

Compensation to land owners.

SEC. 5. *Be it further enacted,* That the board of directors are hereby authorized and empowered, from time to time, as they may choose, to call in such pre cent, of each share of stock as they may deem necessary to carry on the business of said company, and if any of the share

Power of of directors.

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Forfeiture for non-payment of stock.

or stockholders shall fail or refuse for ninety days to pay the per cent. on the shares so called in, the directors may, after notice by publication in any newspaper in this State, proceed to sell said stock, or so much thereof, as will pay the per cent. ; Provided, That no share or stockholder in this company, either by subscription or purchase, shall be liable for any of the indebtedness of said company to more than the amount of stock so owned by him.  
Approved, February 22, 1866.

No. 265.]

AN ACT

To incorporate the American and Brazilian Steamship Company.

Corporators.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Lewis E. Smith, Charles LeBaron, C. W. Dorrance, A. J. Ingersoll, J. M. Meaher, T. Meaher, E. Farrand, W. Battaile and John P. Barnes, and their associates, be and they are hereby incorporated as a body corporate and politic, and which said incorporation shall be know as the "American and Brazilian Steamship Company," and by that name shall have capacity to sue and be sued, plead and be impleaded, to have a common seal, and to break and alter it at pleasure, to make all needful by-laws for the government of said company, to have, to hold and enjoy real estate not exceeding two hundred thousand dollars, which shall at all times be liable to taxation as other property held by individuals.

Name.

Privileges.

Capital stock.

SEC. 2. *Be it further enacted,* That the capital stock of said company shall be five hundred thousand dollars in shares of fifty dollars each, and as soon as ten per cent. thereon is paid in, the company shall organize and commence operations.

Organization.

Time and manner of organization.

SEC. 3. *Be it further enacted,* That said company shall have power as soon as stock to the amount of fifty thousand dollars shall have been taken, and ten per cent. thereon paid in, in cash, to the persons charged herein with obtaining subscriptions to said stock, to organize by the election of a president, vice president, secretary and treasurer, and the establishment of their office, or place of business may be at such point as the company may select

SEC. 4. *Be it further enacted,* That it shall be the main object of said company to establish a line of steamers between the port of Mobile and such ports in the empire of Brazil as may be deemed desirable, for the purpose of facilitating trade and commerce between the countries, but nothing shall be understood herein to confine said company to any particular terminus, either in this country or Brazil, for the employment of said steamship line.

SEC. 5. *Be it further enacted,* That Charles LeBaron, C. W. Dorrance, and A. J. Ingersoll, be appointed to open books of subscription to said stock, at such places as they may deem eligible for that purpose.

SEC. 6. *Be it further enacted,* That said company may build or purchase as many steamships as may be necessary to carry on the contemplated business of the company.

SEC. 7. *Be it further enacted,* That each stockholder shall be liable out of his private property to the amount of his stock for any debts that may accrue against said company during the time he is a stockholder, and for any debts that may accrue against the company for two months after he ceases to be a stockholder.

SEC. 8. *Be it further enacted,* That the directors of said company may authorize any person to receive subscriptions to said company at any time and place.

SEC. 9. *Be it further enacted,* That the immediate government of the affairs of said company shall be vested in a board of directors, nine in number, who shall be stockholders, and who shall be chosen by the stockholders in the manner hereinafter directed and provided, who shall hold their office until others are duly elected and qualified to take their places as directors, and the said directors, a majority of whom (the president being one) shall constitute a quorum for the transaction of business, and shall elect one of their number to be president of the company, and shall also choose a secretary and such other officers as they may deem necessary.

SEC. 10. *Be it further enacted,* That the persons herein authorized to open books for subscription to the capital stock of said company, are hereby authorized and required, when the sum subscribed shall reach fifty thousand dollars, to call a meeting of the stockholders of said company in such manner and at such time and place as

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Main object  
of companyNot confined  
to particular  
terminus.Commissioners  
to open books.

Steamships.

Liability of  
stockholder.

Subscriptions.

Directors.

Quorum.

Other officers.

Meeting.

they may appoint for the choice of directors of said com-



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One vote to one share.

Annual meetings.

Powers of president and directors.

Installments.

Proceedings against defaulting stockholders.

pany, and in all of the meetings of the stockholders of said company, each share shall entitle the holder thereof to one vote, which vote may be given by the holder in person, or by lawful proxy, and the annual meeting of the stockholders of said company, for the choice of directors, shall be holden at such time and place and upon such notice as the company in their by-laws may publish.

SEC. 11. *Be it further enacted*, That said president and directors, or a majority of the, may appoint all such officers, agents, engineers and servants, as they may deem necessary to carry on the business of the company; may dismiss them at pleasure, and authorize their compensation. The directors shall also have power to pass all by-laws they may deem necessary and proper for carrying into effect the object of this act ; Provided only that such by-laws shall not be contrary to the laws of this State, and of the United States.

SEC. 12. *Be it further enacted*, That said president and directors shall have power to require the stockholders of said company to pay such installments on their respective shares of stock in said company, and at such time as they may deem best for the interest of said company, and upon the failure and refusal of any stockholder to pay the installment on his or their stock, in pursuance of any call made by the president and directors as aforesaid, said president and directors may proceed to collect the same as provided for by law in other cases of indebtedness. Approved, February 23, 1866.

No. 266.]

AN ACT

To incorporate the Mobile and Western Rail Road Company.

Corporators.

Name.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That N. H. Brown, W. A. Dawson, E. Jones, J. C. Dawson, and Lewis Koost, with such persons as shall associate with them for that purpose, are constituted a body politic and corporate, by the name of the “ Mobile and Western Railroad Company ” ; and by that name to sue and be sued, plead and be impleaded in

any court of this State ; to make and have a common seal, and the same to break, alter, or renew at pleasure ; and the company is hereby vested with all the powers, privileges, and immunities which are or may be necessary to carry into effect the purposes and objects of this act hereinafter set forth ; and the said company is hereby authorized and empowered to locate, construct, complete, use and maintain a single, double, or treble railroad or way for the city of Mobile in a Westerly direction to the western line of the State of Alabama, towards the town of Baton Rouge in the State of Louisiana, on such route as may be deemed most expedient, and to transport, take and carry property and persons upon said railroad, or way, by the power and force of steam, of animals, or of any other mechanical, or other power, or any combination of them which said company may choose to apply ; and for the purpose of constructing said railroad or way, the said company is hereby authorized to lay out their road, not exceeding one hundred feet wide throughout its whole length ; and for the purposes of depots, cuttings and embankments, and for the purposes of necessary turnouts, and for obtaining earth, stone and gravel, may take as much more land as may be necessary for the construction and security of said road, with permission to purchase the stock, materials and right-of-way, and to make any lawful contract with any railroad company in relation to the business of said company ; and also to make joint stock with any other railroad corporation ; Provided, That all damages that may be occasioned to any person or corporation by the taking of any such land, or materials, as aforesaid, for the purposes aforesaid, shall be paid for by said corporation in the manner hereinafter provided.

SEC. 2. *Be it further enacted,* That the capital stock of said company shall be one million dollars, which may be increased from time to time, to a sum not exceeding the cost of the road to be built with its appurtenances, to be divided into shares of one hundred dollars each, which shares shall be deemed personal property, and be transferred in such manner and place as the by-laws of said company may direct ; Provided, That said company may organize as soon as shares to the amount of thirty thousand dollars shall have been subscribed, and may then survey, locate and commence the construction of the

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Privileges.

Powers.

Right of way.

Proviso.

Capital stock.

Transfer of organization.

road.

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Books of subscription, &c.	SEC. 3. <i>Be it further enacted,</i> That the persons named in the first section of this act, or a majority of them, shall open books to receive subscription to the capital stock of said company, at such time and places as they, or a majority of them, may appoint, and shall give such notice of the time and places of opening said books as they may deem necessary ; Provided, the directors may authorize any persons to receive subscriptions at any time or place.
Proviso.	
Directors.	SEC. 4. <i>Be it further enacted,</i> That the immediate government and direction of the affairs of said company shall be vested in a board of directors, five in number, who shall be chosen by the stockholders of said company, in the manner hereinafter provided, and shall hold office until others are duly elected and qualified to take their places as directors, and the said directors, three of whom, the president being one, shall be a quorum for the transaction of business, shall elect one of their number to preside over the, who shall also be president of said company; they shall also choose a secretary and such other officers as they shall deem necessary ; Provided, the treasurer shall be made to give bond, with security, to the president and directors in such sum as the said board of directors may require for the faithful discharge of his duties.
Quorum.	
President and other officers.	
Meeting when called.	SEC. 5. <i>Be it further enacted,</i> That the persons authorized by the third section of this act to open books for subscription to the capital stock of said company, are hereby authorized, after the said books of subscription are closed, or when the sum subscribed shall reach thirty thousand dollars, to call a meeting of the stockholders of said company, in such manner and at such time and place as they may appoint, for the choice of directors of said company ; and in all meetings of the stockholders of said company, each share shall entitled the holder thereof to one vote, which vote may be given by said stockholder in person, or by a lawful proxy ; and the annual meeting of stockholders of said company for the choice of directors shall be holden at such times and places, and upon such notice, as the said company in their by-laws may publish.
One vote to each share.	
Annual meeting.	
Failure to elect not to dissolve happen company.	SEC. 6. <i>Be it further enacted,</i> That in case it shall that an election of directors shall not be made on any day appointed by the by-laws of said company, said

company shall not for that cause be dissolved, but such

election may be holden on any day which shall be appointed by the directors of said company ; and said directors shall have power to fill any vacancy which may occur by death, resignation or otherwise.

SEC. 7. *Be it further enacted,* That the directors shall have full power to make and prescribe such by-laws, rules and regulations as they shall deem needful and proper, touching the disposition and management of the stock, property, estate and effects of said company, not contrary to the charter or the laws of this State and of the laws of the United States ; the transfer of shares, the duties and conduct of their officers and servants, touching the election and meting of the directors, and all matters whatsoever which may appertain to the concerns of said company. Said company is also hereby authorized to purchase, receive, and hold such estate as may be necessary and convenient in accomplishing the object for which this incorporation is granted, and may by their agents, surveyors, engineers and servants, enter upon all lands and tenements through which they may deem it necessary to make said road, and to survey and lay out, and construct the same ; and to agree and contract for the land or right of way, with the owners, through which they intend to make said road. In case said lands belong to the estate of any deceased person, then with the executor or administrator of such, or in case of the same belonging to a minor, or a person *non compos mentis*, then with his or her guardian or guardians ; or in case said lands be held by trustees of school funds, or the trustees of estate, then with such trustees, or with mortgagees or *cestuis que trust* ; and the said executors, administrators, guardians, trustees, mortgagees, and *cestuis que trust*, are hereby declared competent to contract with said company for the right to use, occupy and possess that lands held by them respectively, so far as they may be useful or necessary to the purpose of said railroad, and the act and deed of such executors, administrators, guardians, trustees, mortgagees, and *cestuis que trust*, shall pass the title in said lands in the same manner as if the said deed or act was made or done by a legal owner of full age ; and such executor, administrator, guardian, trustee, mortgagee, or *cestuis que trust*, shall account to those interested for the amount paid him in a pursuance of such agreement and composition ; and if the said company and parties repre-

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Vacancies.

By-laws and powers thereunder.

Further powers.

Right of way.

senting lands prefer, they may refer the question of com-

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*Ad quod dam-*  
*num*, and pro-  
 ceeding there-  
 in.

Rights under  
 inquest.

pensation to arbitrators mutually chosen, whose award or that of their umpire, in cases of disagreement, shall vest title according to its tenure.

SEC. 8. *Be it further enacted*, That if the said company cannot agree with the owner of the land through which they desire the said road to pass, or with the executor, administrator, guardian, trustee, mortgagee, or *cestuis que trust* aforesaid, it shall and may be lawful for the clerk of the circuit court of the county in which such lands may lie, on the application of said company or its agents, and he is required to issue a writ of *ad quod damnum*, commanding the sheriff that without delay he cause a jury of seven good and lawful men, none of whom shall be land owners or stockholders in said company, to be upon such lands, on a day to be by said sheriff fixed and appointed ; and whereof it shall be his duty to give notice to the owner, executor, administrator, guardian, trustee, mortgagee, or *cestuis que trust*, at least five days before such day, if they be within his county, and if not, or if the owner or owners be unknown, then notice shall be given by advertisement, to be by said sheriff posted and fixed at the dwelling house, if any such there be, or on a public and conspicuous part of said land, at least five days before such appointed day, and also by advertising the same in some newspaper published nearest the land, at least two weeks, by weekly insertions, prior to said day ; and then cause said jury, after being duly sworn by said sheriff or justice of the peace, to make true inquest of the damage suffered by such owner or estate by reason of making said road through the lands. If any such jurors fail to appear, or by reason of challenge for cause or otherwise, fail to set on said inquest, the shereiff shall fill said jury from the bystanders ; and if they fail to render a verdict, the sheriff shall again, or on some subsequent day, empanel a new jury or juries, until a verdict be had ; such verdict, and inquest ,regularly certified by the sheriff, shall be returned to the office of the clerk of the circuit court of the county in which such lands may lie, and there remain amongst the records ; and the said inquest shall vest in said company the right to use and occupy such land for the purposes of said railroad, on the payment, or tender of payment, of the damages therein assessed against said company ; and in case of persons absent or unknown as aforesaid, the placing



of the amount of said damages in the hands of the judge

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of the county court of the county where such land may lie, shall be deemed and taken as payment ; and such judges shall be liable on their bonds in make due payment of the said money, so deposited, on demand thereof.

SEC. 9. *Be it further enacted,* That it shall be the duty of the sheriff to appoint and hold said inquest in ten days after the receipt of said writ of *ad quod damnum*, except in case of absence as aforesaid, in which case thirty days shall be allowed him, and five days in addition are allowed him. for every additional jury which he may have under said writ ; and for every default therein, the said sheriff shall be fined by the circuit court, at the instance of either party, not less than twenty nor more than one hundred dollars ; and every juror summoned shall be fined not less than ten dollars for non-attendance ; of all sch fines as well as costs, the circuit clerk of the county shall have jurisdiction. There shall be allowed the following fees, to-wit : To the clerk of the circuit court for every writ of *ad quod damnum*, seventy-five cents ; for receiving and filing inquest, seventy-five cents ; to the sheriff for giving notice, seventy-five cents cents, besides printer's fees, not exceeding two dollars in each case ; for holding inquest five dollars ; and for summoning witnesses, seventy-five cents each ; to jurors seventy-five cents *per diem* ; which fees are not allowed until a verdict be returned and filed, and shall be taxed in the bill of costs, and paid by said company ; Provided, however, That before the application for said writ, the asid company may tender to the owner, or owners of any such land, a sum of money, by it deemed equivalent to the damages, sustained ; and upon refusal to accept the sum tendered, and a verdict for the same amount, or a less sum, the cost shall be taxed, and paid by the owners of said land, upon which the inquest is held.

Duty of sheriff.

Penalty for default of sheriff and jurors.

Fees.

Proviso.

SEC. 10. *Be it further enacted,* That said company is hereby authorized to construct, erect, build, use and maintain any number of branch railroads deemed proper, not exceeding ten miles in length to the main railroad aforesaid, on such routes as may be found best, and under the same rules and regulations, and with like privileges and immunities as are herein granted to the main road aforesaid.

Branch roads.

SEC. 11. *Be it further enacted,* That whenever, in the construction of said railroad and branches, it may be

Duties as to

necessary to cross any established road or way, it shall

other roads.

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be the duty of said company, so to construct their railroad and branches as not to impede the passage of such established road or way.

Changing roads.

SEC. 12. *Be it further enacted*, That the said company may cause any road or way to be changed or altered in such manner that said railroad and branches may be made on the best site of ground for that purpose ; Provided, said company shall put such road or way in as good condition as at the time of altering or changing the same.

Proviso.

SEC. 13. *Be it further enacted*, That it shall be lawful for the company hereby incorporated, from time to time, to fix and regulate the toll and charges by them to be received from transportation of person or property on their railroad and branches aforesaid, hereby authorized to be constructed, or used, or upon any part thereof.

Tolls.

SEC. 14. *Be it further enacted*, That if any person or persons shall wilfully do or cause to be done any act or acts whatsoever whereby any building, construction, or works of said company, or any engine, machine, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured, or destroyed, the person so offending shall be guilty, on indictment, of misdemeanor, and shall also forfeit and pay to said company double the amount of damages sustained by reason of such offense or injury, to be recovered in the name of said company, with cost of suit, by action of debt.

Penalty for injury to roads.

SEC. 15. *Be it further enacted*, That the directors of said company shall require the payment of the sum or sums of money subscribed to the capital stock of said company in such installments on the respective shares of stock in said company, and at such time as they may think best for the interest of the company ; and upon the failure or of any stockholder to pay the installment required on his, her, or their stock, in pursuance of any call made by the board of president and directors, said board of president and directors may, upon giving thirty days' notice, proceed to sell, at public sale, the share or shares of said stock owned by said stockholder, or such part thereof as they may think proper, to the highest bidder ; and if upon the sale of the shares of said stock owned by said defaulting stockholder, said stock should be sold for more than the amount due on said stock to the company aforesaid, the excess, after deducting accruing interest and the necessary expenses of sale,

Installments.

shall be paid over to said defaulting stockholder.

SEC. 16. *Be it further enacted*, That said company hereby incorporated shall commence the construction of said road within three years from the passage of this act, otherwise this charter shall be forfeited.

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To commence  
in three years

SEC. 17. *Be it further enacted*, That the president and directors of said company, or a majority of them, are empowered to borrow money to carry into effect the objects of this act, and to issue certificates or other evidences of such loan, and to pledge the property of the company for the payment of the same and its interest.

Powers as to  
borrowing mo-  
ney.

Approved, February 23, 1866.

No. 267.]

AN ACT

To charter the National Savings Institution of Mobile.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That H. F. Stickney, Moses K. Foote, Albert Welles, W. J. Thomas, Bumford Owen, Thomas Birmingham, C. V. Stillwell, William Kidney, James A. Thomas, C. A. Burt, Fred, Wolffe, F. Titcomb, E. A. Shaffer, Charles A. Lathrop, E. O. Haile, James W. Campbell, and all and every persons or persons who are or shall be come members of the National Savings Insitution of Mobile, in the manner hereinafter mentioned, shall be and are hereby created and made a body corporate, by the name and style of the "National Savings Institution of Mobile," and by that name shall have succession and be capable in law to hold and dispose of property, to sue and be sued, plead and be impleaded, answer and defend, and be answered and defended in courts of law and equity, and in any other place, to receive and make all deeds, transfers, contracts, covenants, conveyances and grants whatsoever, to make, have and use a common seal, and the same to change and renew at pleasure, and generally to do every other act or thing necessary to carry into effect the provisions of this act, or to promote the objects or designs of said corporation.

Corporators.

Name.

Privileges.

SEC. 2. *Be it further enacted*, That there shall be a meeting of the members of said corporation on such day in the month of April next, and at such place, as the persons above named, or a majority of them, shall appoint,

Meeting.



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 Notice of.

of which meeting they shall give at least ten days' notice by advertisement in the public newspapers printed Mobile, and on such a day in the month of April, annually, thereafter, and at such place as the by-laws of said corporation shall provide, for the purposes of choosing from among the members five directors to manage the affairs of said corporation for one year thereafter, and until a new election of directors shall take place ; and the members above named, or a majority of them, shall appoint the judges of the first election of directors, and the judges of all subsequent elections shall be appointed, and the notice of such elections given, and the same shall be conducted in such manner as the by-laws shall provided.

Election of directors.

President.

SEC. 3. *Be it further enacted*, That the directors for the time being, or a majority of the, shall have power to elect a president from their own body, or from the other members, to fill vacancies that may occur in the directors or presidency ; to appoint all such officers, agents and servants, as they shall deem necessary to conduct or execute the business of said corporation ; to fix their compensation, and in their discretion to dismiss them; to take bonds for the said corporation from all or any of the officers, agents, or servants by them so appointed, with security, conditioned in such form as they shall approve, for the faithful execution of the duties of such officers, agents or servants, and to secure the said corporation from loss, to regulate the manner of making and receiving deposits, the form of certificates to be issued to depositors, and mode of transferring the same ; to invest the funds of said corporation, and generally to do any such other acts touching the same as they shall deem most safe and beneficial ; to admit members, and furnish proof of such admission, to exclude members when they have not any property in said corporation, and generally to pass all such by-laws as may be necessary for the exercise of the aforesaid powers, or the powers vested in such corporation, and the same by-laws from time to time to alter and repeal ; Provided, That such by-laws shall not be contrary to any law of this State, or of the United States.

Officers, agents, &c.

Further powers.

SEC. 4. *Be it further enacted*, That every person who shall have been a depositor in said corporation for three months and whose standing deposits shall have amounted to one hundred dollars, shall thereby become a member

When depositors are members.

SEC. 4. *Be it further enacted*, That every person who shall have been a depositor in said corporation for three months and whose standing deposits shall have amounted to one hundred dollars, shall thereby become a member



of said corporation, and shall have the right to require

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and receive from the president thereof, or any other officer, in their behalf by the by laws appointed or designated, a certificate of membership ; and the person so becoming a member shall, so long as his said amount of deposit shall remain with the said corporation, without notice of his intention to withdraw, be entitled to all the rights and privileges belonging to a member of said corporation under the provisions of this act and under the by-laws of said corporations ; and it is hereby provided, that nothing in this act shall be so construed, as to authorize the directors or stockholders, by any rule or by-law, to restrict or limit the number of depositors who may desire to deposit, or become members of said corporation ; Provided, however, that the amount paid in by each depositor be not less than one dollar, and that they in all things comply with the provisions of this act and the rules and by-laws which may from time to time be adopted.

Certificate of membership.

Rights of members.

Proviso.

SEC. 5. *Be it further enacted,* That the said corporation shall be capable to receive from any person or persons any deposit or deposits of money, and to use all money so received in discounting notes, &c., or into invest the same in public stocks, or other securities, at the discretion of the directors, according to the by-laws, and in such manner as they deem most safe and beneficial.

Receiving using deposits.

SEC. 6. *Be it further enacted,* That it shall be the duty of the directors, at least once in every six months, to appoint, from the members of the corporation, three competent persons to investigate the affairs of the said corporation, and to make a report thereof, which report shall be recorded in a book kept for that purpose, that shall be opened for the inspection, at all times, of any member ; and it shall be the duty of the directors, on the first Mondays of April and October, of each and every year, to make and declare such dividend of the profits as shall have been made by the investments hereinbefore provided for, after paying the expenses of the institution, and the same to pay over tho the members of the said corporation, or their legal representatives, within ten days thereafter.

Investigators of affairs and report thereon.

Dividends.

SEC. 7. *Be it further enacted,* That the lands tenements and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation, in relation to

What property to hold.

the convenient transaction of its business, and such as

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Shares of stock.	shall have been bona fide mortgaged or conveyed to it, by way of security, or in satisfaction of debts contracted, in the course of its dealings or purchases at sale, upon judgment, which shall have been obtained for debt.
Proviso.	SEC. 8. <i>Be it further enacted,</i> That every depositor whose deposits shall have amounted to one hundred dollars may, at his or her option, by signing an agreement to that effect, in a book kept by the institution for that purpose, convert the same, or any adequate portion thereof, into a share or shares of stock, at the par value of one hundred dollars each, which stock shall be a capital stock of the institution, and shall not be withdrawn ; Provided, always, That the whole number of shares of stock which it shall be lawful to create, shall not exceed five thousand, and that the directors may limit the number to one thousand, or any greater number, not exceeding five thousand shares. The said shares of stock shall be assignable, by transfer, by the holders in person, or by attorney, in a book kept for that purpose at the office of the institution, and shall be entitled to dividends of the profits in common with the depositors. At any general meeting of the institution for electing directors, or for any other purpose, every member whose weekly deposits shall have amounted to one hundred dollars, shall be entitled, in person or by proxy, to give one vote for every share of stock, or its equivalent, which he or she may hold at the time, and a majority of all the votes cast shall be required to elect any officer.
Transfer of stock.	SEC. 9. <i>Be it further enacted,</i> That this act shall be and continue in force for twenty years, and until the end of the next session of the legislature of the State that shall happen thereafter.
Qualification of voters and manner of voting.	SEC. 10. <i>Be it further enacted,</i> That no one shall be a director or officer of this institution who is not a citizen of the State of Alabama.
Term of charter.	SEC. 11. <i>Be it further enacted,</i> That the provisions of this charter shall be subject to and restricted by the laws governing savings banks, and that nothing contained in the same shall be so construed as to confer upon the incorporators other privileges than those usually granted to savings banks of this State.
Directors must come a be citizens.	Approved, February 23, 1866.
Restrictions.	

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No. 268.] AN ACT

To incorporate the Empire Oil and Mining Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Benjamin L. Wyman, James M. Denson, Robert Gasten, Samuel A. Stowell, E. Hall Covell, and William H. Covell, and their associates and successors, are hereby constituted a body politic and corporate by the name of the "Empire Oil and Mining Company," for a period of twenty-five years, for the purpose of mining and excavating for coal oil or other mineral or vegetable substances, and vending the same, and for such purposes may erect buildings and fixtures for carrying on their operations as well as for building all such roads as they may deem necessary to transport their oil, coal, &c., to market, and by their corporate name may sue and be sued, plead and be impleaded, in any court of law or equity ; may hold and possess property for carrying out their purposes, and have and use a common seal, and the same alter at pleasure, and may sell and convey real or personal property.

Corporators.

Name and term of charter.

Purpose.

Privileges

SEC. 2. *Be it further enacted,* That the capital stock of said company shall be one hundred thousand dollars, and may be increased at the option of the board of directors to the amount of its assets, in shares of two dollars each.

SEC. 3. *Be it further enacted,* That any four of the corporators named in the first section of this act may call a meeting of the board of corporators by giving ten days' public notice of such meeting, and appoint a time and place for holding the same. That any four of said corporators shall constitute a board for the purpose of electing seven directors to take control of and managed the affairs of said company. Said board of directors shall elect one of their number to act as president of the board, and he shall continue to hold his office for one year for the date of his election, or until his successor shall be appointed. The board of directors shall continue in office for one year, or until their successors are elected by the stockholders of said company, each share of stock being entitled to one vote.

Meeting.

Election directors.

President.

Term of office.

SEC. 4. *Be it further enacted,* That the board of direc-

Rules and by-

tors shall have power to make such rules and by-laws for

laws.

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the government of the company as may seem best to promote the interest of the same, and to establish rules for the transfer of the stock, and for the declaration or payment of dividends.

Date.

SEC. 5. *Be it further enacted*, That this act shall take effect from and after its passage.

Approved, February 22, 1866.

No. 269.]

AN ACT

To incorporate the Georgia and Alabama Petroleum Mining and Manufacturing Company.

Corporators.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, M. G. Dobbins, Richard Peters, Daniel S. Prinup, William Markham, Henry E. Robinson, Alfred Austill, S. H. Thickstun, James C. Freeman, Robert M. Clark, N. L. Angier, George S. Cameron, Z. H. Gordon, Wm. O. Winston, A. K. Seago, John Thomas, and others, their associates, successors and assigns, be and they are hereby created a body politic and corporate under the name of the "Georgia and Alabama Petroleum Mining and Manufacturing Company," and by that name may sue and be sued, plead and be impleaded, in any court of law or equity in this State, and may have and use a common seal.

Name.

Privileges.

SEC. 2. *Be it further enacted*, That the corporators named in the first section of this act, to-wit: M. G. Dobbins, Richard Peters, Robert M. Clark, William Markham, Alfred Austill, N. L. Angier and John Thomas, shall be directors for the first year, who shall conduct the affairs of the company. Said directors shall appoint one of their number president, and may appoint such officers and agents as they may deem proper, and fix their salaries. The board of directors shall have power to fill all vacancies therein caused by resignation or otherwise, and shall hold office until their successors are elected and qualified.

First Directors.

President and other officers.

Vacancies, &amp;c.

Powers.

SEC. 3. *Be it further enacted*, That the said company are hereby authorized and empowered to seek, explore, and mine for petroleum, oil, iron, and any and all minerals and metallic ores of whatever kind; to work and made

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up all kinds of cotton and woolen goods and fabrics ; to manufacture any of sad materials in such manner as the said company may see fit, for which purpose they may purchase, lease, or otherwise acquire, and hold any lands, tenements, rights of way, property and machinery ; may erect buildings, dams sluices ; may lease or purchase any and all mill privileges, or such other property as may be required.

SEC. 4. *Be it further enacted,* That the capital stock of said company shall be five hundred thousand dollars, each with the right to increase said stock to any amount not exceeding one million of dollars. Said shares shall be transferable only on the books of the company in person or by attorney, by endorsement on the stock certificate, and surrender thereof.

Capital stock.

Transfer of stock.

SEC. 5. *Be it further enacted,* That said company may open books of subscription to their capital stock as such times and places as may be convenient. All payments for dues and assessments on the capital stock shall be made only in lawful funds, at such periods and in such times as the directors may prescribe from to time.

Books of subscription.

Payments how made.

SEC. 6. *Be it further enacted,* That the directors shall cause books and accounts to be accurately kept of all the transactions of the company, which books and accounts shall at all times be open to the inspection of a majority of the stockholders. The said company shall in no manner contract any debts of liabilities over and above the amount of capital stock actually paid in.

Books and account.

Restrictions as to contracts.

SEC. 7. *Be it further enacted,* That the directors shall have, and they are hereby invested with authority to call on the stockholders, from time to time, to pay up such portions of their capital stock subscribed by them, or held or owned by them, as said directors may see fit ; Provided, thirty days' notice be first given to comply with such demands, said notice to be published in some newspaper printed in the county in which the directors may have located the office, for the general business of the company.

Installments.

Notice.

SEC. 8. *Be it further enacted,* That no stockholder shall have the right to vote upon any question whatever, nor shall be or they be eligible to the office of director or other officer so long as he or they may be delinquent in the payment of any assessments, dues, and demands on all stock subscribed to, held or owned by him or them.

Eligibility of officers.



No stock shall be transferred on the books of the com-

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 Liability for  
 subscriptions.

pany until all assessments and dues thereon shall be paid up in full. Stockholders who shall not have paid up their assessments and dues according to the terms of subscription, shall be held individually liable to the creditors of the company to the amount so remaining due and unpaid.

Forfeiture of  
 stock.

SEC. 9. *Be it further enacted,* That the neglect or refusal on the part of any stockholder to pay up all called assessments of dues on the capital stock held or owned by him or them for a period of sixty days after notification thereof by the board of directors, such neglect or refusal shall operate as a forfeiture of all such stock of said company at the option of the directors. The directors shall have full power to dispose of any and all stock which may be delinquent, or on which the assessments or dues are unpaid, at public auction, for cash, and on such conditions as they may prescribe in the by-laws of the company.

By-laws, &c.

SEC. 10. *Be it further enacted,* That the directors are authorized to make and establish such by-laws, rules and regulations as they may deem expedient to carry into effect the objects of the company ; Provided they be not inconsistent with the laws of this State or the United States. Said by-laws shall be approved and adopted by a vote representing a majority of the stock on which all assessments and dues are fully paid, and such by-laws shall be altered or amended only by a like vote.

Proviso.

Approval of  
 by-laws.

SEC. 11. *Be it further enacted,* That the stockholders, by a majority vote on the capital stock on which all called assessments have been paid, may authorize the directors to sell, assign, and transfer all the real and personal property, rights and franchises, or any part thereof belonging to or owned by said company, on such terms and conditions as they may prescribe, and the proceeds of such sale or sales shall be applied towards the payment of any and all debts which may be due and owing by the company.

Authority to  
 dispose of prop-  
 erty.

Disposition of  
 proceeds.

Location of  
 proceeds.

SEC. 12. *Be it further enacted,* That the location of the principal office of business for the company shall be at such place as in the opinion of the directors may be most convenient and advantageous.

Term of char-  
 ter.

SEC. 13. *Be it further enacted,* That this charter shall extend and continue for the term of fifty years from its passage, unless the stockholders by a vote representing

two-thirds of the shares of the company shall sooner de-

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cide to wind up the affairs of the company and surrender the franchise hereby granted.

Approved, February 23, 1866.

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No. 270.] AN ACT

To provide for the publication of legal notices for the County of Washington.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in all cases in which any officer or court of the county of Washington is required by law to give any notice, or make any publication in a newspaper, the same may be published in any newspaper published in the city of Mobile, and this act shall continue in force until a newspaper is regularly published in said county of Washington.

Publication in Mobile papers.

Approved, February 20, 1866.

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No. 271.] AN ACT

To authorize the Mayor and Aldermen of the City of Tuscaloosa, to levy a tax of one per cent. on the real and personal property within the limits of said city.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the mayor and aldermen of the city of Tuscaloosa, shall have power to levy and collect a tax on all real and personal property within the corporate limits of said city to the amount of one per cent. on the value thereof.

Authority tax.

Approved, December 8, 1865.

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No. 272.] AN ACT

To suspend the operations of Section 2 and 7, of An act therein named.

SECTION 1. *Be it enacted by the Senate and House of*

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County site of  
Jackson.

*Representatives of the State of Alabama in General Assembly convened*, That the operation of sections 2 and 7, of an act entitled “an act to ascertain the sense of the people of Jackson county in regard to the permanent location of the county site, and to provide for building a court house and jail,” approved December 17, 1859, be and the same are hereby suspended until the adjournment of the next general assembly.  
Approved, February 20, 1866.

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No. 273.] AN ACT

To extend an act, entitled “An act to provide a more efficient remedy in cases of unlawful detainer in the city of Mobile,” approved March 3, 1848, to the county of Mobile.

Extension of.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an act entitled “ an act to provide a more efficient remedy in cases of unlawful detainer in the city of Mobile,” approved March 3, 1848, be and the same shall, from and after the passage of this act, extend and apply to the county of Mobile.  
Approved, February 20, 1866.

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No. 274.] AN ACT

To authorize the Court of County Commissioners of Lowndes county to borrow money, and levy a special tax for repayment thereof, and for other purposes.

\$12,000 may be  
borrowed.

Special tax.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the court of county commissioners of Lowndes county, in this State, be, and is hereby authorized, to borrow such sum of money as said commissioners shall deem expedient, for the use of the county, not to exceed twelve thousand dollars, and shall have power to levy and collect such special tax, according to the revenue laws of this State, in force at the time, as may be

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necessary for repayment of the liabilities incurred by this act, unless said commissioners shall otherwise provide for such payment; Provided, however, That said court of county commissioners shall also have power to issue treasury notes, not exceeding said sum, in case they shall fail to borrow the same, and may make provision for their redemption by such special tax or otherwise.

Proviso.

No. 275.]

AN ACT

To confer power on the city Council of Montgomery, for safe keeping and punishment of offenders.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the city council of the city of Montgomery be, and are hereby authorized and empowered to pass laws for the punishment of offences against the laws of said city, by fine not exceeding fifty dollars, and on the failure to pay such fines and costs on conviction before the mayor or any one of the aldermen sitting as mayor, to sentence such offender to imprisonment in the guard house, or to work on the streets or public works of or for said city, either in or out of the corporate limits of the same, either in chain gangs or otherwise, three days for each dollar of fine and costs assessed, and the said city council are hereby authorized and empowered to establish a work house, either in said city, or without, within three miles of the corporate limits of said city, to which those convicted of offences against the laws of the city, and fail to pay on conviction the fine and cost assessed against them, may be sent and put to any kind or hard labor, in chain gangs or otherwise, according to such laws as may be passed by the said city council. And may also pass laws to secure persons charged or convicted with or of offenses with chains or ball, and chains or otherwise, not inhuman or cruel. And may also pass laws to punish all vagrants found within the corporate limits of said city.

Power to purchase.

Work house.

Vagrants.

Approved, February 20, 1866.

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No. 276.]

AN ACT

To authorize the Commissioners Court of Limestone county to issue Treasury Notes for the purpose of building a Court House, and important bridges in said county.

Certificates or notes may issued.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners court of Limestone county, be, and they are hereby authorized and empowered to issue certificates of indebtedness, or county treasury notes, in sums of one, three, five, ten, and twenty dollars, for the purpose of defraying the expenses of said county for the year 1866, in building a court house, bridges and for other county purposes.

Not to run more than ten years.

SEC. 2. *Be it further enacted,* That said treasury notes may have such time to run, without interest, for a period not to exceed ten year, as the said commissioners court of Limestone county shall deem most conducive to the interest of the county, and shall be signed by the treasurer, and countersigned by the judge of probate of said county, and redeemable in currency when presented, in sums of \$20 and upwards.

Limited to \$20,000.

SEC. 3. *Be it further enacted,* That the amount of notes issued by said commissioners court, shall not exceed twenty thousand dollars; and nothing in the above section shall be so construed as to grant to said court of commissioners authority to issue treasury notes for any other purpose that those specified above.

Receivable for receivable taxes.

SEC. 4. *Be it further enacted,* That said notes shall be receivable by the tax collector and treasurer of Limestone county, for all dues to said county.

Duty of treasurer.

SEC. 5. *Be it further enacted,* That said county treasurer shall keep a book of registration, in which he shall keep the number, description, and amount of all notes issued by him under the provisions of the preceding sections of this act ; and shall issue said notes only on the order of the commissioners court of Limestone county.

Approved, December 14, 1865.

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No. 277.]

AN ACT

To authorize the county of Macon to issue treasury notes for certain purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the court of county commissioners of the county of Macon, be, and they are hereby authorized and empowered to issue treasury notes on said county, to the amount of ten thousand dollars, in any denominations above one dollars, payable at the office of the county treasurer, and redeemable in the common currency of the country, or United States treasury notes, or national currency ; that said notes shall be drawn on the treasurer of said county and signed by the judge of probate, and payable to the bearer, and drawn by the order of said court of county commissioners, and are authorized for the purpose of building bridges in said county, and for county purposes generally.

\$10,000 of notes authorized.

Approved, February 20, 1866.

No. 278.]

AN ACT

To prevent the sale of fermented, vinous, spiritous, or other intoxicating liquors, at or within five miles of Mount Zion Church, at Spring Hill, Macon Depot, Taunsdale Depot, and Pickens Old Mill, in Marengo county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act it shall not be lawful for any person or persons to sell any fermented, vinous, spirituous or other intoxication liquors in any quantities whatever, at or within five miles of either Mount Zion Church at Spring Hill, Macon Depot, Taunsdale Depot, or Pickens' Mill Precinct, in Marengo county ; any person or persons violating the provisions of this act, must, on conviction, be fined not less than one hundred, nor more than five hundred dollars, and may, in addition to such fine, be sentenced to hard labor on the public works of the county in which

Sale of liquor prohibited.



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the offence was committed, for any period not exceeding three months.

Repeal.

SEC. 2. *Be it further enacted*, That all laws and parts of laws contravening the provisions of this act be, and the same are *pro tanto* repealed.  
Approved, February 21, 1866.

No. 279.]

AN ACT

To provide for the working the roads and binding bridges in Washington county.

Working powers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the court of county commissioners of Washington county are hereby authorized to let out the working of the public road, and the building of bridges in said county, by contract under such rules and regulations as may be prescribed and adopted by said court.

Tax.

SEC. 2. *Be it further enacted*, That the said court may levy a tax not to exceed twenty-five per cent. on the State tax, for the purpose of raising a road fund to discharge such contracts.  
Approved, February 20, 1866.

No. 280.]

AN ACT

To give the probate court of Perry county jurisdiction over the estate of Dr. John H. Jones, of Dallas county.

Jurisdiction of estates of J. H. Jones.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the probate court of Perry county be, and the same is hereby authorized and empowered to take jurisdiction of the estate of Dr. John H. Jones, of Dallas county, and to grant letters of administration, and to make all such orders and decrees as may be necessary in the administration and settlement thereof  
Approved, December 9<sup>th</sup>, 1865.

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No. 281.]

AN ACT

To authorize the probate judge of Sumter county to grant an order to the guardian of Parham Yarbrough, a minor, to sell the lands belonging to said minor, either at public or private sale.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the probate judge of Sumter county, be, and he is hereby authorized to grant an order to John Quincy Yarbrough, the guardian of Parham Yarbrough, a minor, to sell the land belonging to the said minor, either at public or probate sale, upon satisfactory proof being made that such a sale will promote the interest of said minor ; Provided, That the probate court shall be empowered to set aside and vacate any sale made of said lands, unless it appear by proof that said land has been sold for a fair valuation.

Guardian may sell land privately.

Approved, December 14, 1865.

No. 282.]

AN ACT

To give the Probate Court of Wilcox County jurisdiction of the estate of David H. Packer, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That jurisdiction of the estate of David H. Packer, deceased, late of Monroe county, be and is hereby given to the probate court of Wilcox county, and that the said probate court of said county of Wilcox have full jurisdiction, power and authority to grant letters of administration on said estate, and to do and perform all things necessary and proper, to cause the estate of said David H. Packer to be administered, settled and distributed, in accordance with the laws of this State in relation to the settlement of estates, as legally, fully, and effectually as if said decedent had been a resident citizen of said county of Wilcox, at the time of his death.

Estate of D. H. Packer.

Approved, February 20, 1866.

No. 283.] AN ACT

To give to the Probate Court of Macon county jurisdiction of the estate of J. C. Slocum, late deceased, of Tallapoosa county.

Jurisdiction  
of estate of J.  
C. Slocum.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the probate court for the county of Macon is hereby authorized and empowered to take jurisdiction of the estate of J. C. Slocum, late of the county of Tallapoosa, deceased, to grant letters of administration, and generally do all such acts and things in reference to said estate and the settlement thereof, as though said Slocum had been a resident citizen of the county of Macon at the time of his death.

Approved, December 9, 1866.

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No. 284.] AN ACT

To lay off the County of Walker into four Commissioners' Districts.

Duty of Com-  
missioners'  
Court.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in general Assembly convened,* That hereafter it shall be the duty of Commissioners of Roads and Revenue in the county of Walker to lay off said county into four commissioners; districts, as nearly equal as may be, defined by proper metes and bounds, and known as commissioners' districts in said county.

Election of  
commissioners.

SEC. 2. *Be it further enacted,* That hereafter there shall be one commissioner elected in each district above mentioned, by all the qualified voters in said county, any law to the contrary notwithstanding.

Approved, December 5, 1865.

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No. 285.] AN ACT

To provide for the location of the Court House in Dallas county.

SECTION 1. *Be it enacted by the Senate and House of*

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*Representatives of the State of Alabama in General Assembly convened,* That there shall be an election held at the different precincts in Dallas county on the first Monday in May next, for the purpose of permanently locating the court house for said county.

Election.

SEC. 2. *Be it further enacted,* That it shall be the duty of the sheriff of Dallas county, on the first Monday in May next, having given thirty days' notice by advertisement, as required by law in general elections in this State, to cause the polls to be opened and an election held at the different precincts in said county, which shall in all respects, be conducted as elections for members of the legislature. The managers and clerks shall be appointed as they are at other elections, and shall each take the oath prescribed for managers and clerks at general elections, and shall be subject to like penalties for a violation of any of their duties. The returns of said election shall be made to the sheriff of said county within three days thereafter. Upon the coming in of said returns, it shall be the duty of the sheriff of said county to count, compare and add up all the votes polled ; and if it shall appear that either place voted for shall have received a majority of all the votes given, he shall declare such place the permanent seat of justice for the county of Dallas.

Election on first Monday in May.

SEC. 3. *Be it further enacted,* That no person shall be eligible to vote in said election who is not legally authorized to vote for members of the general assembly, and any person voting illegally at said election, shall be subject to the same pains and penalties as are by law now imposed upon persons voting illegally for members of the general assembly ; and said election may be contested for fraud, gross mismanagement, or illegal voting in the same manner, as near as may be, as such contests in elections for judge of probate are now conducted ; and fraud committed at said election shall be punished as similar frauds at other elections are now punished.

How county seat to be deter-

Qualification of voters.

Election may be contested.

SEC. 4. *Be it further enacted,* That the town of Cahawba and the city of Selma shall alone be in nomination, and the place receiving a majority of all the votes cast shall be the permanent seat of justice for said county. Each voter shall have written or printed on his ticket, "Cahawba," or "Selma."

Selma and Cahawba to be voted for.

SEC. 5. *Be it further enacted,* That any officer or person who shall fail or refuse to perform any duty by this

Duty of officers.

act enjoined, either in opening, holding, managing, or  
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returning said election, or who shall do any act or thing whereby the object of this act shall be defeated, such officer or person shall be subject to a fine of not less than one hundred, nor more than two hundred dollars, to be recovered before the circuit court of Dallas county, for the use of said county, by any person making the motion, and after three days' notice to said officer or person of said motion.

Powers of commissioners.

SEC. 6. *Be it further enacted,* That if at said election it shall appear that Selma has received a majority of all the votes cast, then and in that event, it shall be the duty of the judge of probate and the court of county commissioners of said county of Dallas, and they are hereby authorized and required to purchase or receive by donation, a fee simple title to land in said city of Selma, whereon to erect county buildings, and they may also receive donations of money or other property for such purposes ; and it shall further be their duty to cause a suitable court house and jail to be erected on said lands, and as soon as said new court house is completed, all books, papers, and public record belonging to the officers of clerk of the circuit court, judge of probate, sheriff, and register in chancery of said county shall be transferred from Cahawba to Selma ; and until said court house is completed, the terms of the court may be held at Cahawba.

Approved, December 14, 1865.

No. 286.]

AN ACT

To repeal an act to reduce the fees of the County Surveyor of De Kalb county.

Repeal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That “ an act to reduce the fees of the county surveyor of De Kalb county,” approved November the ninth, one thousand eight hundred and sixty-one be, and the same is hereby repealed.

Approved, December 14, 1865.

No. 287.]

AN ACT

To authorize the Commissioners Court of Morgan County to issue County Treasury Notes, for the purpose of defraying the county expenses for the year 1866, in erecting a County Jail, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners court of Morgan county be, and they are hereby authorized and empowered to issue county treasury notes, in sums of one, three, five and ten dollars, for the purpose of defraying the expenses of said county, for the year 1866, in erecting a county jail and for other county purposes.

County notes may be issued.

SEC. 2. *Be it further enacted,* That said county treasury notes shall have such time to run, not exceeding ten years, as the said commissioners' court shall deem most conclusive to the interests of said county— shall be signed by the treasurer, and countersigned by the probate judge of said county, and shall be of the following form to-wit : Morgan county will pay to bearer, \_\_\_\_\_ dollars in \_\_\_\_\_ funds \_\_\_\_\_ years after date, when presented to the treasurer in sums of twenty dollars or upwards.

Not to run more than 10 years.

Form of notes.

SEC. 3. *Be it further enacted,* That the amount of notes issued by said commissioners' court, shall not exceed ten thousand dollars, and nothing in the above section shall be so construed as to grant to said court of commissioners authority to issue treasury notes for any other purpose than those named above.

Amount limited to \$10,000

SEC. 4. *Be it further enacted,* That the said notes shall be receivable by the tax collector and treasurer of Morgan county, for all dues to said county.

Receivable for taxes.

SEC. 5. *Be it further enacted,* That the said county treasurer shall keep a book of registration, in which he shall keep the number, description, and amount of all notes issued by him, under the provisions of the preceding sections of this act ; and shall issue said notes only on the order of the commissioners' court of Morgan county.

Duty of treasurer.

Approved, December 14, 1865.



No. 288.]

AN ACT

For the regulation of the Police of the town of Greenville.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the intendant and council of the town of Greenville are hereby authorized to order an election for intendant and five councilmen under the laws governing the incorporation of said town, who shall be vested with all the functions, and discharge all the duties incident to such offices.

Election.

Powers of intendant.

SEC. 2. *Be it further enacted,* That the intendant of said town is hereby vested with all the powers which are now or may hereafter be incident to the office and jurisdiction of a justice of the peace within said corporate limits ; and shall have authority to exercise jurisdiction as such justice in all civil and criminal matters contracted in and committed within said corporate limits ; with power and authority to hear and determine all cases, either civil or criminal, of which justices of the peace have, or may have cognizance ; and also all such cases as may arise under the ordinances of said town ; to administer oaths; take acknowledgments of deeds and other papers requiring acknowledgment or probate.

The same.

SEC. 3. *Be it further enacted,* That the intendant of said town shall have authority as a justice of the peace, to determine all cases of vagrancy, riot, breaches of the peace, and other offenses of which a justice has, or may have jurisdiction; and in cases where it is necessary to inflict punishment, he may, at his discretion, impose fines or the performance of work on the streets or other public works of said town, for such term as may be reasonable and just ; with the authority to appoint constables and police officers necessary to carry out the executive duties flowing from the jurisdiction and powers hereby vested in said corporate authorities.

Duty of intendant.

SEC. 4. *Be it further enacted,* That said intendant shall hold a court as often as may be expedient for the the investigation of all cases arising under this act, or the general law upon the subject of incorporated terms.

Approved, December 15, 1865.

No. 289.]

AN ACT

To be entitled an act to authorize certain officers of Bibb county to make publication in the newspapers of Selma.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall be lawful for the probate judge, register in chancery, clerk of the circuit court, coroner, justices of the peace, and all other officers of the said county, executors, administrators, guardians and trustees of Bibb county, to make all publications required by law to be made by them respectively, either in the newspapers published at Selma, Alabama, or in those now designated by law ; Provided, That the provisions of this act shall be operative only so long as there is no newspaper published in Bibb county.

May advertise in Selma papers.

Proviso.

Approved, December 5, 1865.

No. 290.]

AN ACT

To regulate the payment of costs in prosecution in criminal cases in which the defendants may be insolvent in the county of Montgomery.

Whereas, section 10, of an act entitled “ an act to establish a criminal court for the county of Montgomery, with civil jurisdiction,” approved December 7, 1863, is in the following words, to-wit : “ Section 10. Be it further enacted, That the salary of the judge of the court hereby established shall be three thousand dollars a year, and also three dollars for each case not defended, and five dollars for each case defended in said court, to be taxed as costs against the unsuccessful party, which shall not be diminished during his continuance in said office, and be payable quarterly at the treasury of the county of Montgomery upon his order, out of any moneys therein unappropriated ; and for the remuneration of said county for the payment of the same, the fines and forfeitures of all State cases in Montgomery county to the full amount of said salary shall be paid into said treasury in preference to any

other appropriation of the same ; and in all cases which shall be tried in said city court herein established in which the defendants after conviction shall be unable to pay the costs of prosecution, the same shall be paid out of the fines and forfeitures which have accrued, or may accrue, in criminal cases in Montgomery county.”

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all of said section which follows after the word “ unappropriated ” in the ninth line of said section, be and the same is hereby repealed.

SEC. 2. *Be it further enacted,* That the fines and forfeitures recovered in criminal cases for the county of Montgomery, shall be first applied to the payment of costs of prosecution in criminal cases in the circuit court of said county, in which the defendants, on conviction, shall be found insolvent ; and the insolvency of the defendants in each of such cases shall be deemed ascertained for the purposes of this section whenever an execution issued against him in the case shall have been returned “ no property found ” or whenever he shall have been legally discharged from imprisonment in the case after conviction under the provisions of the law for the discharge of insolvent defendants.

SEC. 3. *Be it further enacted,* That the costs of prosecution in all cases of the character mentioned in the second section of this act, which may have been tried at the fall term of the circuit court of Montgomery county for the year 1865, shall be paid out of the fines and forfeitures hereafter accruing to said county in the same manner as if they had been tried after the passage of this act. Approved, December 15, 1865.

Mode of paying costs.

No. 291.]

AN ACT

To amend “An act to regulate the payment of costs of prosecution in criminal cases in which the defendants may be insolvent in the county of Montgomery.”

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the second section of the above enti-

tled act, approved on the 15<sup>th</sup> day of December, 1865, of this session, which reads as follows, to-wit : “Section 2. Be it further enacted, That the fines and forfeitures received in criminal cases for the county of Montgomery shall be first applied to the payment of costs of prosecutions in criminal cases in the circuit court of said county, in which the defendants, on conviction, shall be found insolvent, and the insolvency of the defendants, in each of such cases shall be deemed ascertained for the purposes of this section whenever an execution issued against him in the case shall have been returned “ no property found,” or whenever he shall have been legally discharged from imprisonment in the case, after conviction, under the provisions of the law for the discharge of insolvent defendants,” be and the same is hereby amended by inserting immediately after the words “circuit court” the words “and city court.”

Approved, January 31, 1866.

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Application of  
fines and for-  
feitures.  
County to pay  
costs.

No. 292.]

AN ACT

Authorizing the transfer of the estate of Patrick Calhoun, deceased, from Montgomery county to Russell county, in this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the judge of probate of Montgomery county be and he is hereby authorized and empowered to grant and make an order transferring and removing the execution of the will and estate of Patrick Calhoun, deceased, from the court of probate of Montgomery county to the court of probate of Russell county, and upon the administrators, with the will annexed, producing and filing in the said court of Russell county a full and complete transcript of all the orders and entries of said estate made in the court of probate of Montgomery county, and the original will and a certified copy of its probate and the order transferring the said estate, thereupon the court of probate of Russell county shall have as full and complete jurisdiction of said will and estate as if said decedent had died in the county of Russell ; Provided, that before this act shall take effect the sureties on

Jurisdiction  
of estate of P.  
Calhoun remov-  
ed to Russell  
county

Proviso as to  
sureties.

the official bond of said administrator, with the will annexed, shall file their written consent to the provisions of this act in the probate courts of Russell and Montgomery counties, or in default of such assent a new bond be given by said administrator, with the will annexed, to be approved by the judge of probate of Russell county, Alabama, and filed and recorded in the office of said judge ; And, provided further, that the costs on said estate which have accrued in the said probate court of Montgomery county shall be first paid before said transfer is effected. Approved, December 14, 1865.

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No. 293.]

AN ACT

To authorize the Judge of the 1<sup>st</sup> Judicial Circuit to hold a special term of the Circuit Court for Dallas county.

Special term of  
circuit court in the  
criminal cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the judge of the 1<sup>st</sup> judicial circuit be, and he is hereby empowered to hold a special term of the circuit court for Dallas county, for the trial of criminal cases at such time as he may appoint, and that such special court shall have all the powers and authority of a regular term, both for empanneling a grand jury and the transaction of business ; Provided, That twenty days' notice shall be first given in some newspaper published in said county.

Approved, December 15, 1865.

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No. 294.]

AN ACT

To remove the jurisdiction of the estate of Benjamin Gibson, deceased from the county of Tallapoosa to the county of Macon.

Jurisdiction  
of estate of B  
Gibson.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the administration of the estate of Benjamin Gibson, deceased be, and the same is hereby

transferred from the county of Tallapoosa to the county of Macon, on the terms hereinafter prescribed.

SEC. 2. *Be it further enacted*, That the judge of the probate court of Tallapoosa county shall make out within sixty days after the passage of this act a duly certified transcript of all the proceedings had, entries and decrees made, and papers filed in said court in relation to said estate, and transmit the same to the judge of probate of the county of Macon, and thereupon the jurisdiction over said estate shall be divested from the probate court of Tallapoosa county and fully vested in the probate court of Macon county.

Transferred to Macon Co.

SEC. 3. *Be it further enacted*, That previous to the transfer authorized by the preceding section, the sureties on the official bond of the administrator or administratrix of said estate shall file in the probate courts of Tallapoosa and Macon counties their written consent to the transfer of said estate as authorized by this act ; or failing so to do, the said administrator or administratrix shall give a new bond and have the same approved by the probate judge of Macon county and filed in his office.

Sureties

SEC. 4. *Be it further enacted*, That previous to the aforesaid transfer being effected, the costs on said estate due in the probate court of Tallapoosa county, including the cost of the aforesaid transfer, shall be first fully discharged.

Cost.

Approved, December 15, 1865.

No. 295.]

AN ACT

To authorize the Court of County Commissioners of Mobile county to receive certain funds from the Bank of Mobile and to apply the same to county purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the court of county commissioners of Mobile county be, and they are hereby authorized and empowered to withdraw from the Bank of Mobile, at such times and in such sums as they may deem advisable, any funds now remaining in that bank which accrued from the tax heretofore authorized for the improvement of Mobile harbor, and to apply such funds to the usual and ordinary

Harbor fund may be withdrawn from bank.

expenses of county administration ; Provided, however that the amount that said court of county commissioners shall receive from said harbor fund shall be reimbursed to that fund whenever further appropriations shall be made for harbor improvement.  
 Approved, December 15, 1865.

No. 296.]                      AN ACT

To authorize the Commissioners' Court of the county of Lauderdale to issue county treasury notes, for the purpose of building three important bridges, a new court house, or the repairing of the old one, and for other county purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners' court of the county of Lauderdale be, and they are hereby authorized and empowered to issue certificates of indebtedness, or county treasury notes, in sums of one, three, five, ten and twenty dollars, for that purpose of defraying the expenses of said county for the year 1866, in building bridges, a court house, or the repairing of the old one, and for other purposes in said county.

Certificates or notes may be issued.

SEC. 2. *Be it further enacted,* That said treasury notes may have such time to run without interest, for a period which notes to not to exceed ten years, as said commissioners' court of Lauderdale county shall deem most conducive to the interest of the county and shall be signed by the treasurer and countersigned by the judge of probate of said county, and redeemable in currency when presented in sums of twenty dollars and upwards.

Period for which notes to not to run.

SEC. 3. *Be it further enacted,* That the amount of notes issued by said commissioners' court shall not exceed twenty thousand dollars and nothing in the above section shall be so construed as to grant to said court of commissioners authority to issue treasury notes for any other purpose than those specified above.

Limited to \$20,000

SEC. 4. *Be it further enacted,* That said notes shall be receivable by the tax collector and treasurer of Lauderdale county, fo all dues to said county.

Receivable for taxes.

SEC. 5. *Be it further enacted,* That said county treas-

urer shall keep a book of registration, in which he shall keep the number, description and amount of all notes issued by him, under the provisions of the preceding sections of this act, and shall issue said notes only on the order of the commissioners' court of Lauderdale county.

Approved, December 14, 1865.

Duty to county treasurer.

No. 297.]

AN ACT

To authorize the Court of Probate of Mobile county to take jurisdiction over the estate of John G. Aiken, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be competent for the court of probate of Mobile county to take jurisdiction of the estate, goods, property and effects of John G. Aiken, deceased, late of Baldwin county, to appoint an administrator thereon, or to probate the will of said decedent, if any be found, and grant letters testamentary thereon, and in all things to proceed, settle and distribute said estate, the same in all respects as if said decedent had been an inhabitant of the county of Mobile, and administration had been taken in said county under the general laws of this State.

Estate of J. G. Aiken

Approved, February 10, 1866.

No. 298.]

AN ACT

To amend section 1099 of the Code of Alabama, so far as the same relates to Limestone county.

Whereas, a considerable portion of the State of Alabama has been ravaged by the troops lately engaged in war, and a great loss of labor, fencing and timber thereby sustained, rendering it difficult, if not impossible, for the people of many counties and parts of counties to keep up enclosures around their farms according to requirements of said section 1099 of the Code; and whereas, such is the condition of parts of the county of Limestone; therefore,

Preamble.



Enclosures.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the court of county commissioners for the county of Limestone shall have power to suspend section 1099 of the Code of Alabama, which reads as follows : “All enclosures and fences must be at least five feet high, and if made of rails, well staked and ridered, or otherwise sufficiently locked, and from the ground to the height of every three feet the rails not more than four inches apart, or if made of palings, the palings not more than three inches apart, or if made with a ditch, such ditch must be four feet wide at the top, and the fence of whatever material composed, at least five feet high from the bottom of the ditch and three from the top of the bank, and so close as to prevent stock of any kind from getting through,” so far as the same relates to the county of Limestone, or any parts thereof to be described by metes and bounds, as they, in their discretion, may deem expedient, to exempt from the operations of said section.

Power of county commissioners.

SEC. 2 *Be it further enacted,* That the court of county commissioners for said county shall have power to define “a lawful enclosure” and “partition fee” in any part or parts of said county in which section 1099 may be suspended , and all laws relating to the same shall apply as well to any part or parts of said county as may be exempted from the operations of said section 1099, as in all others.

Approved, February 10, 1866.

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No. 299.]

AN ACT

To ratify the issue of change bills under certain circumstances in Greene and Sumter counties.

Issue of change bills ratified.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the acts of all persons, private corporations, or associations in the counties of Greene and Sumter, who between the time of surrender of the Confederate forces of Alabama and the re-establishment of law by our State convention made or emitted papers to answer the purposes of money, or who signed any paper

to be put in circulation as money, or who passed or circulated any paper issued to answer the purposes of money, be, and the same is hereby confirmed and ratified ; Provided, the same was done on or by the written authority of the Federal commander of the post or district within which said making or emitting, signing or circulating was done ; Provided, further, that said person corporation or association shall redeem all such paper so placed in circulation by him or them whenever presented.

Approved, February 13, 1866.

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No. 300.] AN ACT

To repeal an act entitled "An act to increase the compensation of the members of the Commissioners' Court for Pike and other counties named," approved October 7<sup>th</sup>, 1864.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the above recited act be, and the same is hereby repealed.

Approved, February 10, 1866.

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Repeal.

No. 301.] AN ACT

To repeal "An act in relation to the toll at Wetumpka bridge."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act entitled "An act in relation to the toll at Wetumpka bridge," approved October 7, 1864, be, and the same is hereby repealed.

SEC. 2. *Be it further enacted,* That the rates of toll as they existed previous to the passage of the act hereby repealed, shall be the rates of toll to be received by said bridge company, and no more, until otherwise provided by law.

Approved, February 13, 1866.

Repeal.

Old rates of toll.

No. 302.]

AN ACT

To repeal an act to authorize A. T. Kanady to erect a fish trap in a portion of the Coosa river, approved November 17<sup>th</sup>, 1863.

Repeal.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act to authorize A. T. Kanady to erect a fish trap in a portion of the Coosa river, approved November 17<sup>th</sup>, 1863, be and the same is hereby repealed. Approved, December 5, 1865.

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No. 303.]

AN ACT

To authorize the removal of the administration of the estate of Stephen F. Pool, deceased , from the probate court of Marengo county, to the probate court of Sumter county.

Transfer of jurisdiction to Sumter county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the judge of the probate court of Marengo county is hereby authorized and required to make an order, transferring and removing the execution of the will of Stephen F. Pool, deceased, and the administration of his estate, from the probate court of Marengo county to the probate court of Sumter county, and to transfer all the original papers on file in his office relating to said estate, together with the copies of all orders or decrees made in reference to said estate, duly certified, to said probate court of Sumter county ; and the said probate court of Sumter is hereby invested with as full jurisdiction and authority over said estate, and with as full power to make all orders and decrees in relation to the administration thereof, as if letters testamentary or of administration thereon, had been originally and properly granted by said probate court of Sumter county ; Provided, however, that before this act shall take effect, the executrix of said will, who has resigned the execution thereof, and the administrator of the said estate, with said will annexed, shall make full settlement with the probate court of Marengo county, of their respective

Settlement to be made in Marengo county

administrations of said estate ; and provided further, that before this act takes effect, the sureties on the official bond of the administrator, with said will annexed, shall file in said probate court of Marengo county their written assent to the provisions of this act ; or ( in case such assent be not filed ) the administrator, with said will annexed, shall execute a new bond, to be approved by the probate judge of said Marengo county.

Approved, December 11, 1865.

No. 304.]

AN ACT

To prevent the Court of County Commissioners for Cherokee county, from levying a greater tax than fifty per cent. upon the State tax for county purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the court of county commissioners of the county of Cherokee, in this State, shall not have power to levy a greater tax for county purposes than fifty per cent. upon the tax assessed by the State.

Limit of taxing powers.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with the foregoing section be, and the same are hereby repealed.

Repeal.

Approved, December 11, 1865.

No. 305.]

AN ACT

To empower the Commissioners Court of Winston county to issue county bonds and to levy a special tax.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners court of Winston county shall be, and they are hereby authorized and empowered to issue the bonds of said Winston county to an amount not exceeding four thousand dollars, or so much thereof as the court of county commissioners may deem

Bonds may be issued.

Limited to \$4,000.

necessary, redeemable or payable at the pleasure of the said court, at any time within ten years from the date thereof, and bearing legal interest, for the purpose of rebuilding the jail, and for building a court house in said county of Winston, and for no other purpose.

Special tax  
may be levied. they are

SEC. 2. *Be it further enacted*, That the commissioners court of the county of Winston shall be, and are hereby authorized and empowered to levy and have collected an annual special tax, not exceeding one hundred per cent. on the amount of the State tax, to be applied by the said commissioners' court, to the payment of the annual interest accruing on said bonds, and to the purchase and cancellation of the same.

Approved, December 11, 1865.

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No. 306.]

AN ACT

To encourage the erection and Repairs of Buildings and Machinery in the county of Madison.

Lien.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That there shall be a lien upon any lot of ground or tract of land in Madison county upon which a house shall be hereafter constructed, built or repaired, or fixtures or machinery furnished or erected, or improvements made by special contract with the owner, or his agent, in favor of the mechanic or undertaker, founder or machinist, who does the work or any part of the work, or furnishes the materials or any part of the materials or puts thereon any fixtures, machinery or material, either of wood or metal.

Mortgager or mortgagee.

SEC. 2. *Be it further enacted*, That if the contract be made with the mortgager, and mortgagee has written notice of the same, before the work is begun, or materials furnished, and consents thereto; the lien shall have priority over the mortgagee, and if he fail to object within ten days after receipt of the notice, his consent shall be implied. The same rule shall operate on the vendor's lien when he has conveyed, expressly reserving a lien, or has only executed a title bond.

Mechanics

SEC. 3. *Be it further enacted*, That each mechanic so employed, shall have the lien in proportion to the amount

lien.

and value of the work he does, or the materials he furnishes.

SEC. 4. *Be it further enacted*, That the lien shall include the building, fixture or improvement, as well as the lot or land, and continue for one year after the work is finished, or the materials are furnished, and until the decision of any suit that may be brought within that time, for the debt due said mechanic or undertaker , and bind the lot or land, although the owner may convey, or otherwise dispose of the same.

Extent of building claim.

SEC. 5. *Be it further enacted*, That every journeyman or other person employed by such mechanic, founder or machinist to work on the building, fixture, machinery or improvement, or to furnish materials for the same, shall have this lien for his work or materials, if at the time he begins to work, or furnishes the materials, he notifies the owner in writing of his institution to rely upon the lien.

Lien of journeyman.

SEC. 6. *Be it further enacted*, That the claims thus secured by lien for work and labor done, and materials furnished, shall in no case exceed the amount agreed to be paid by the owner or proprietor in his original contract with the undertaker.

Limit of claim.

SEC. 7. *Be it further enacted*, That this lien may be enforced by attachment , either in law or equity.

SEC. 8. *Be it further enacted*, That all laws or parts of laws in conflict with the provisions of this act, so far as they apply to the county of Madison, are hereby repealed.

Approved, February 10, 1866.

No. 307.]

AN ACT

To restrict Taxation in the town of Greenville.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That there shall not be levied and collected by the intendant and council of Greenville, more than fifteen hundred dollars of taxes, exclusive of license tax, in any one year ; and said taxes shall be assessed according to the value of the property to be assessed; but license taxes are not prohibited.

Restriction on taxation

SEC. 2. *Be it further enacted*, That it shall be the du-





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 Publication

ty of the intendant of said town of Greenville, to have published in the "Greenville Advocate," every six months, an account, giving the amount of tax collected, and the expenditure, setting forth each item collected and expended.

Repeal.

SEC. 3. *Be it further enacted*, That all laws or parts of laws contravening the provisions of this act, are hereby repealed.

Approved, February 20, 1866.

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No. 308.]

AN ACT

To regulate the Fees of all County and District officers in the counties of Walker and Winston.

Fees in Walker and Winston

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That all county and district officers in the counties of Walker and Winston, shall hereafter receive fees the same as allowed them by law on the 1<sup>st</sup> day of January 1861, and no more; any law to the contrary notwithstanding.

SEC. 2. *Be it further enacted*, That the provisions of the 1<sup>st</sup> section of this act are made applicable to the county of Winston.

Approved, February 20, 1866.

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No. 309.]

AN ACT

To repeal an act to empower the Probate Judge of the county of Madison to grant letters of administration upon the estate of John Geron, approved January 18, 1866.

Repealed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an act to be entitled an act to empower the probate judge of the county of Madison, to grant letters of administration upon the estate of John Geron, approved January 18<sup>th</sup>, 1866, be, and the same is hereby repealed.

Approved, February 20, 1866.

No. 310.]

AN ACT

To authorize Alfred Iverson, R. L. Mott, and S. M. Ingersoll and Horace King to make a turnpike road in the town of Girard, in Russell county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Alfred Iverson, R. L. Mott, S. M. Ingersoll and Horace King, be and they are hereby authorized to make a turnpike road leading from the road, known as the Crawford road, to the new bridge over the Chattahoochee river, running through the town of Girard , in Russell county, to said bridge.

Individuals authorized to build a turnpike.

SEC. 2. *Be it further enacted,* That the rates of toll charged on the turnpike road shall not be more than the toll charged at a bridge known as the “old Columbus bridge” ; Provided, that all wagons or carts loaded with produce shall be allowed to pass over said road free from charge ; Provided, further, that when a sufficient amount of money is raised to pay for the building of a new bridge across the Chattahoochee river, then in that even no toll shall be charged on said turnpike.

Approved, February 13, 1866.

No. 311.]

AN ACT

To make an appropriation to erect a suitable monument over the grave of Canada Butler, late member of the House of Representatives from Madison county, who departed this life in this city, Dec. 12, 1862.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of fifty-five dollars be, and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of erecting a suitable monument for the purpose indicated in the title of this act.

Monument over grave of Canada Butler.

Approved, February 13, 1866.

No. 312.]

AN ACT

To create a new county of portions of Coosa, Montgomery, Tallapoosa, and Autauga counties, to be called the county of Elmore.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act all the portion of Coos county south of the township line, dividing townships twenty (20) and twenty-one (21); all that portion of Tallapoosa county south of said township line, dividing townships twenty (20) and twenty-one (21), and west of the Tallapoosa river; and all that portion of Montgomery county north of the Tallapoosa river, and all that portion of Autauga county east of the range line, dividing ranges sixteen and seventeen, be and the same are hereby constituted into a new county, to be called the county of Elmore.

Boundary of  
Elmore county.

Duty of com-  
missioners.

County site.

Proviso.

SEC. 2. *Be it further enacted,* That it shall be and is hereby made the duty of the commissioners appointed, as is provided in this act, at least twenty days before the election for county officers herein provided for, to select three sites for the location of the seat of justice of sad county, which sites or places shall not be nearer than six miles to each other, nor more than ten miles from the centre of said county. The sites for the court house are to be put in nomination by said commissioners at least twenty days before the election of said officers, and it shall be the duty of said commissioners to open and hold an election at the same time and places of holding elections for county officers for the election of one of the places for the county site, and the place receiving a majority of all the votes cast, shall be the permanent seat of justice of said county of Elmore. In the event that no one place shall receive a majority of all the votes cast, it shall be the duty of said commissioners to hold another election, by giving twenty days' notice as heretofore provided ; Provided, that in the second election only the two places receiving the highest number of votes cast shall be balloted or voted for as the permanent seat of justice.

Representationformed by this act shall not be entitled to representation  
of the Legisla- in the general assembly until after the next census of the

SEC. 3. *Be it further enacted,* That the new county

ture.

State shall have been taken and apportionment of repre-

sentation made ; Provided, the representation of neither of the counties from which this county is formed shall be affected by this act, until the census of 1866 shall have been taken, and representation apportioned among the several counties of this State, as provided by the convention of 1865 ; Provided further, that the property in the proposed new county of Elmore taken from the counties of Autauga, Coosa, Tallapoosa and Montgomery, respectively, shall be liable to taxation for the *pro rata* proportion of any debt which may now be due by said counties of Autauga, Coosa, Tallapoosa and Montgomery, respectively, and the same shall be levied, collected, and paid over to said counties, respectively, by the proper authorities of the said county of Elmore ; Provided further that it shall be the duty of the census taker of the counties of Autauga, Coosa, Tallapoosa and Montgomery respectively to take the census of the townships and parts of townships embodied in the said county of Elmore, upon separate sheets of paper, showing the number of white inhabitants taken from each of the counties of Autauga, Coosa, Tallapoosa and Montgomery, respectively.

SEC. 4. *Be it further enacted*, That this act shall not go into effect until it shall appear from the census to be taken during the present year, that the white population of said county of Elmore shall be sufficient to entitle it to representation under the constitution, and that it shall further appear that the old counties from which said county is taken, are not reduced to a number less than would entitle them to one representative each ; and when it shall appear from the said census that the proposed new county meets the requirements of this section, then it shall be the duty of the Governor to issue a proclamation declaring that said county of Elmore is a new county, formed in accordance with the requirements of the constitution of this State, and appointing a commission to consist of three freeholders of said county of Elmore whose duty it shall be to hold an election on a day to be fixed by the Governor for such county officers as are, or may be authorized by law to be elected by the people of each county in the State. Said commissioners shall appoint managers for said election to hold said election at such places as are now election precincts within the bounds of said new county. That in said elections all

Proviso

Taxation.

Number of the inhabitants to be ascertained.

Proclamation of Governor.

Commissioner to be appointed

Election.

persons who are by law now qualified to vote, or may

then be qualified to vote for the like officers, and who reside within the bounds of said new county, shall be entitled to vote. The managers of said election shall be governed by the same rules as now govern managers of election in this State. Said managers shall make a return of said election to said commission, who shall certify said returns to the Secretary of State, and issue certificates of election to such officers as may prove to be elected, who shall thereupon be commissioned in like manner, as is now provided by law for such officers to be commissioned; and shall give bond before entering upon the duties of their office, as is now provided by law; Provided, said commissioners shall first subscribe an oath before some justice of the peace to conduct said election as may be prescribed by law, and to issue certificates of election only to such persons as may appear to be elected from said returns. That the court of county commissioners shall have power to establish election precincts in said new county, to divide the same into beats, and perform such other acts as county commissioners are, or may be authorized by law to do; and when suits are pending against defendants residing in said new county, in any of the circuit or chancery courts of the counties from which said new county is formed, the same may be transferred for trial to the court of said new county having jurisdiction thereof, when the courts are fully organized, in the same manner as a change of venue from one county to another is now had, except that no oath for change of venue shall be required.

Proviso.

County Commissioners.

Transfer of suits.

Officers of counties from which Elmore is taken.

*SEC. 5. Be it further enacted,* That no persons holding office at the time of said election in any of the counties from which the said new county is formed, shall be deprived of his said office, but may continue to discharge the duties of the same for the time for which he was elected, not in anywise affected by the passage of this act.

Approved, February 15, 1866.

No. 313.]

AN ACT

To establish the City Court of Eufaula.

SECTION 1. *Be it enacted by the Senate and House of*

*Representatives of the State of Alabama in General Assembly convened,* That there is hereby established in the city of Eufaula an inferior court of record, to be called the "City Court of Eufaula" to be held and presided over by a judge, who shall reside in said city, and who shall be elected by the qualified electors of Barbour county ; and who shall hold his office for the same term, take the same oath, exercise the same powers and be removable for the same causes as judges of the circuit court of this State.

City Court established.

SEC. 2. *Be it further enacted,* That said court shall have and keep a common seal, and shall have a clerk and such other officers as the circuit courts in this State. The clerk of said court shall be elected by the qualified electors of Barbour county, and shall hold their office for the same term as the clerks of the circuit courts in this State, and shall give the same bond, exercise the same powers and perform the same duties as are now required by law of clerks of the circuit courts in this State, except so far as the provisions of this act are in conflict therewith.

Officers of court.

SEC. 3. *Be it further enacted,* That the first election for judge and clerk of said city court shall be held by the sheriff of Barbour county, in the same way that elections are held for judges and clerks of the circuit courts, on the first Monday in May next. The judge of said court when elected shall hold his office for the term of six years and until his successor shall be elected and qualified. The clerk of said city court when elected shall hold his office for the term of four years, and until his successor shall be elected and qualified. Vacancies in the offices of judge and clerk of said city court shall be filled in the same manner in which vacancies in the office of judge and clerk of the circuit courts are filled in this State.

Term of officers.

SEC. 4. *Be it further enacted,* That said city court shall be holden and the office of the clerk thereof shall be kept in such house as may be furnished by the said city. Said court shall hold three terms, commencing on the third Monday in January, and on the first Monday in June and September of each year, and may continue until the business of the term is disposed of. Special terms may also be held when necessary for the dispatch of business when ordered by the judge, thirty days' notice thereof being given by publication in

Terms of courts.



a city newspaper.

- Returns of execution, &c. issued upon judgments rendered at the January terms of of circuit courtsaid court shall be returnable to the September term next following ; and all executions issued upon judgments rendered at the June and September terms of said court shall be returnable to the next January term of said court.
- Jurisdiction of court. SEC. 5. *Be it further enacted*, That all executions issued upon judgments rendered at the January terms of of circuit courtsaid court shall be returnable to the September term next following ; and all executions issued upon judgments rendered at the June and September terms of said court shall be returnable to the next January term of said court.
- Jurisdiction of court. SEC. 6. *Be it further enacted*, That said court shall have concurrent jurisdiction with the circuit court of Barbour county of all offenses against the criminal laws of this State, committed within the corporate limits of the city of Eufaula, to the same extent that the circuit court of Barbour has or shall have jurisdiction in criminal cases ; and concurrent jurisdiction with the circuit court of said county in civil cases, except actions to try titles to land ; and that the powers and jurisdiction of the circuit courts of this State be and the same are hereby conferred on the city court of Eufaula to the extent above provided; and in order to confer on said court the same powers and authority as is now or may hereafter be conferred upon the circuit courts of this State in the exercise of like jurisdiction, it is declared that all laws conferring jurisdiction in any case, except in actions to try titles to land, upon the circuit courts of this State giving them the power to have and determine cases, appoint and remove their officers, punish contempts, regulate their practice and forms of process, prescribing the duties of their officers, and of sheriff and coroner, allowing established fees to each other, providing for the collection thereof, or requiring of such officers official oaths and bonds, shall be held to extend to said court and its officers , as fully as they extend to the circuit courts of this State.
- The same. SEC. 7. *Be it further enacted*, That power is hereby conferred on the judge of said city court, to issue writs of injunction, habeas corpus, and any other write or process in any and every case in which by existing laws the circuit judge might order the issue of any like remedial writ or process ; and in the recess or vacation of said city court, the judge thereof shall have the same power and authority as judges of the circuit courts of this State.
- Supervisory SEC. 8. *Be it further enacted*, That the supreme court of this State shall have appellate, and supervisory

powers of supreme court.

jurisdiction over said city court, and that causes may be

removed from that court to the supreme court, in the same manner provided by law for the exercise by that court, of like appellate or supervisory jurisdiction over the courts or judges of the circuit courts in this State.

SEC. 9. *Be it further enacted*, That the process of said city court shall be vested, served, returned, and be in form as is or may be provided for the circuit courts, varying only in the style of the court , and conforming to its terms.

Process of court

SEC. 10. *Be it further enacted*, That the grand jurors for said court shall be drawn from jurors liable to jury duty in the city of Eufaula, shall be empaneled in the same manner as is or may be provided by law for grand juries of the circuit courts, and a venue issued therefor in the manner provided by law, and that the petit juries for said court shall be drawn and empaneled from the county of Barbour, in the same manner as is now provided by law, and the said court shall have the same power to issue special venue, to call in tales jurors as the circuit courts have.

Grand jurors.

Petit jurors.

SEC. 11. *Be it further enacted*, That all laws of a general character that may hereafter be enacted giving jurisdiction to the circuit courts of this State shall be held to apply and extend to the city court of Eufaula, within the county of Barbour, although said city court may not be mentioned in said law.

SEC. 12. *Be it further enacted*, That the salary of the judge of said city court shall be three thousand dollars a year, and shall not be diminished during his continuance in office, and shall be payable quarterly at the treasury of the county of Barbour, upon his order, out of any moneys unappropriated ; and for the remuneration of said county for the payment of the same, the fees, fines, and forfeitures in all criminal cases in the city of Eufaula shall be paid into said treasury, to the full amount of said salary in preference to any other appropriation of the same.

Salary of judge.

SEC. 13. *Be it further enacted* ,That the sheriff of coroner and constables of the county of Barbour shall be required to attend said court, preserve order, execute and return its process as they now are, or may hereafter be required to do in the circuit court.

Duty of sheriff or coroner.

SEC. 14. *Be it further enacted*, That the venue in any case in said city court may be changed to the circuit court

Change of

of Barbour county, or to some other circuit court under

venue.

Compensation  
of jurors and  
witnesses.

the same rules and regulations that now or may hereafter govern changes of venue in the circuit court , and upon such change of venue the circuit court trying such cause upon conviction , shall order the fine or forfeiture, when collected, to be paid to the clerk of said city court.

SEC. 15. *Be it further enacted*, That the compensation of jurors and witnesses in said court, the fees of sheriffs, bailiffs and constables, and also of the clerk of said city court for services rendered shall be the same as are now allowed by law for like services in the circuit courts.

Approved, February 20, 1866.

No. 314.]

AN ACT

To supply Books to the Probate Judge of Walker county.

Books to be  
furnished.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Secretary of State shall furnish to the Judge of Probate such of the following books, to-wit : Acts of the Legislature, Code and Smith’s Justice, as the said Probate Judge may certify to him, in writing, have been lost or destroyed in his county, provided the same can be supplied from the office of Secretary of State.

Approved, December 11, 1865.

No. 315.]

AN ACT

To authorize the Commissioners’ Court of Madison county to establish gates on the public roads of said county.

Gates author-  
ized.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the commissioners’ court of the county of Madison be authorized to establish gates on the public roads of said county.

Approved, February 20, 1866.

No. 316.]

AN ACT

To authorize the Commissioners' Court of Pike county to issue Treasury Notes, to pay for the building of Bridges ; enlarging and repairing the Court House and Jail, and for other county purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners' court of the county of Pike, be, and is hereby authorized and empowered to issue certificates of indebtedness or county treasury notes, in sums of one, three, five, ten and twenty dollars, for the purpose of defraying the expenses of said county, for the year 1866, in building bridges and for repairing and enlarging the jail, court house and other county purposes.

Certificates or notes authorized.

SEC. 2. *Be it further enacted,* That said treasury notes may have such time to run without interest for a period not to exceed ten years, as said commissioners' court shall deem most conclusive to the interest of the county, and shall be signed by the treasurer and countersigned by the judge of probate of said county, and redeemable in currency when presented in sums of twenty dollars and upwards.

Notes not to run over ten years.

SEC. 3. *Be it further enacted,* That the amount of notes issued by said commissioners' court shall not exceed ten thousand dollars ; and nothing in the above section shall be so construed as to grant to said court of commissioners authority to issue treasury notes for any other purposes than those specified above.

Limited to \$10,000

SEC. 4. *Be it further enacted,* That said notes shall be receivable by the tax collector and treasurer of said county of Pike, for all dues to said county. taxes.

Receivable for

SEC. 5. *Be it further enacted,* That said county treasurer shall keep a book or registration in which he shall keep the number, description and amount of all notes issued under the provisions of the preceding sections, and shall issue said notes only on the order of the commissioners' court of said county.

Duty of county treasurer.

Approved, February 20, 1866.

To authorize the Commissioners' Court of Marshall county to issue Treasury Notes for the purpose of building a Court House and Jail.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the court of county commissioners of Marshall county, be, and they are hereby authorized and empowered to issue certificates of indebtedness or county treasury notes, of such denominations as said court may determine, not exceeding in the aggregate, the sum of ten thousand dollars, for the purpose of building a court house and jail, and defraying the necessary expenses of said county.

\$10,000 of certificates or notes may be issued.

How issued.

SEC. 2. *Be it further enacted,* That the treasury notes issued by said county, under this act, shall be signed by the treasurer and countersigned by the probate judge of said county, and may be stamped with the seal of said county, without any tax being paid to the State therefor, if the commissioners' court shall so determine, and shall be numbered and described by said county treasurer in a book of registration kept for that purpose.

Receivable for taxes.

SEC. 3. *Be it further enacted,* That said treasury notes shall be issued with or without interest, as said court of county commissioners shall deem most conducive to the interest of said county ; and said treasury notes shall be receivable by said county and all county officers, for all taxes and dues accruing to said county, and shall be redeemable by the treasurer of said county, in currency when presented in sums of twenty dollars and upwards at any time after the first day of January, 1870.

Restriction.

SEC. 4. *Be it further enacted,* That the treasury notes authorized to be paid by this act shall be issued only on the order of the court of county commissioners of said county, and for no other purpose than those authorized in this act.

Approved, February 20, 1866.



No. 318.] AN ACT

To legalize the election of Commissioners of Roads for the county of Mobile, held the 1<sup>st</sup> Monday in November, 1865.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the election of commissioners of roads for the county of Mobile, held first Monday in November, 1865, be and the same is hereby legalized, and that said commissioners elected as aforesaid shall hold office and perform the duties of the same until the first Monday in February, 1869.

Approved, February 20, 1866.

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Election legalized.

No. 319.] AN ACT

To prohibit the Court of County Commissioners for Madison county from levying a greater tax than fifty per cent . on the State tax for county purposes for the year 1866.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the court of county commissioners for Madison county shall not be authorized to levy a tax to exceed fifty per cent. on the State tax for county purposes for the year 1866.

Approved, February 20, 1866.

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Limitation of taxes.

No. 320.] AN ACT

Regulating the sale of vinous or spirituous liquors in the town of Haw Ridge, in Dale county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be lawful for any person to re-retail vinous or spirituous liquors in quantities of one quart and upwards, in the town of Haw Ridge, in Dale

Sale of liquors authorized

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Liquors not to  
be drank where  
bought.

county, any law to the contrary notwithstanding.  
SEC. 2. *Be it further enacted*, That this act shall not  
apply to the sale of any vinous or spirituous liquors that  
may be drank in or about the premises wherein such spir-  
ituous liquors are sold.  
Approved, February 20, 1866.

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No. 321.]                      AN ACT

To authorize the Secretary of State to furnish books to  
the Solicitors of the 4<sup>th</sup> Judicial Circuit.

SECTION 1. *Be it enacted by the Senate and House of  
Representatives of the State of Alabama in General Assem-  
bly convened*, That the Secretary of State be and is hereby  
authorized and required to furnish the solicitors of the  
4<sup>th</sup> judicial circuit such acts as are furnished solicitors by  
the State, out of such acts as may now be on file in his  
office and not required by law to be kept there for the  
use of the State.  
Approved, February 5, 1866.

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No. 322.]                      AN ACT

To authorize the probate court of Calhoun county to  
grant an order to the executors of the estate of Peter  
Black, deceased, to sell at private sale "uncurrent bank  
bills.

Authority to  
sell uncurrent  
funds.

SECTION 1. *Be it enacted by the Senate and House of  
Representatives of the State of Alabama in General As-  
sembly convened*, That the probate court of Calhoun  
county is authorized and empowered to grant an order  
upon application being made to said court, to the execu-  
tors of the last will and testament of Peter Black, de-  
ceased, late of Calhoun county, to sell at private sale the  
uncurrent bank bills which may belong to the estate of  
said Peter Black, if the said probate court should deem it  
to the interest of said estate, the sale to be upon such  
time and terms as the court may direct.  
Approved, February 20, 1866.

No. 323.] AN ACT

To repeal an act to prevent the destruction by fire of property in the towns and villages of the counties of Shelby, Jefferson and St. Clair, approved De. 9, 1862.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act entitled an act to prevent the destruction by fire of property in the towns and villages of the counties of Shelby , Jefferson and St. Clair, approved 9<sup>th</sup> December, 1862, be and the same is hereby repealed.

Approved, January 26, 1866.

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No. 324.] AN ACT

To authorize the Commissioners' Court of Madison county to borrow money for the support of the paupers of said county, and other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners' court of the county of Madison, is hereby authorized to borrow money for the support of the paupers of said county and other purposes.

Approved, January 31, 1866.

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No. 325.] AN ACT

To repeal an act to change the time of holding the Circuit Court for Russell county, in the 9<sup>th</sup> Judicial Circuit.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section first, of the act approved the twenty-fourth of February, eighteen hundred and sixty, or so much thereof as changes the time of holding the circuit court of Russell county to the second Monday in February and August, are hereby repealed, and

that the time of holding court for said county shall be the same as fixed by the act approved January 25, 1860. Approved, January 31, 1866.

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No. 326.]

AN ACT

To regulate the fees of justices of the peace and constables, in Demopolis beat, in Marengo county, Alabama and the times of holding courts of justices of the peace in said beat, and the mode of issuing and serving process therefrom.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the fees to which justices of the peace

Fees increased  
100 per cent.

and constables within said Demopolis beat be increased one hundred per cent. above what is now allowed by law.

SEC. 2. *Be it further enacted,* That the justices of the peace within said beat be allowed the sum of two dollars

\$2 for exam- for holding an examination in criminal cases, and twenty-five cents for every hundred words used in reducing the testimony of witnesses in said cases to writing, and the further sum of twenty-five cents for entering judgment and twenty five cents for taxing costs in civil cases.

SEC. 3. *Be it further enacted,* That the courts of the justices of the peace within said Demopolis beat be at all times held open (Sundays excepted) for the trial of civil and criminal cases, the warrants in civil cases being returned executed at least three days before the trial thereof.

Daily courts.

SEC. 4. *Be it further enacted,* That all acts and parts of acts contravening this act in whole or in part, be and the same is hereby repealed.

Approved, February 20, 1866.

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No. 327.]

AN ACT

To authorize the city council of Demopolis to levy a special tax for the purpose of building a city jail, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assem-*

bly convened, That the city council of Demopolis be, and the same is hereby authorized and empowered to levy a special tax for the purpose of building a city jail or calaboose in the limits of the city of Demopolis.

Approved, February 20, 1866.

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Special tax authorized.

No. 328.]

AN ACT

To repeal an act entitled "An act to prevent the sale of spirituous liquors within three miles of the town of Triana, in Madison county."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act entitled, "An act to prevent the sale of spirituous liquors within three miles of the town of Triana, in Madison county," approved 24<sup>th</sup> day of February, 1860, be, and the same is hereby repealed.

Approved, February 20, 1866.

Repeal of act prohibiting sale of liquor.

No. 329.]

AN ACT

To repeal in part "An act to prohibit any person or persons from giving away, selling, or offering for sale any vinous or spirituous liquors within three miles of Lineville Baptist church, in Shelby county, or within one mile of Hamburg, in Perry county."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 1 of an act entitled "An act to prohibit any person or persons from giving away, selling, or offering for sale any vinous or spirituous liquors within three miles of Lineville Baptist Church, in Shelby county, or within one mile of Hamburg, in Perry county, which is as follows : " That it shall not be lawful for any person or persons to give, sell, or offer for sale any vinous or spirituous liquors within three miles of Lineville Baptist Church, in Shelby county, or within one mile of the center of the village of Hamburg, in the county of Perry, except for medical and medicinal purposes," approved February 8, 1861, be

Repeal of act prohibiting sale of liquor.

and the same is hereby amended by striking out of said

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section 1<sup>st</sup> the words “within three miles of Lineville Baptist Church, in the county of Shelby .”  
Approved, January 31, 1866.

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No. 330.]                      AN ACT

To furnish certain volumes of the Supreme Court reports for Coffee, Walker and Winston counties.

Books to be furnished.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Secretary of State be authorized to furnish to the probate judges of Coffee, Walker and Winston counties the volumes of the Supreme Court reports of the State of Alabama, which have been lost or destroyed, on a certificate of the probate judges of Coffee, Walker and Winston counties, of the particular volumes so lost or destroyed ; Provided, That the Secretary of State shall only supply under the provisions of this act such extra volumes of the reports as the State have on hand and not required to be kept in the State library.  
Approved, February 20, 1866.

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No. 331.]                      AN ACT

To authorize the Commissioners’ Court of Blount county to issue treasury notes for purposes therein specified.

May issue treasury notes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the court of county commissioners of Blount county be, and they are hereby authorized and empowered to issue certificates of indebtedness or county treasury notes of such denominations as said court may determine, not exceeding in the aggregate the sum of ten thousand dollars, for the purpose of repairing county buildings and defraying the necessary expenses of said county.  
SEC. 2. *Be it further enacted,* That the treasury notes issued by said county under this act shall be signed by the treasurer and countersigned by the probate judge of said county, and may be stamped with the seal of said county without any tax being paid to the State therefor,

Signed by whom.

if the commissioners' court shall so determine , and shall



be numbered and described by said county treasurer in a book of registration kept for that purpose.

SEC. 3. *Be it further enacted*, That said treasury notes shall be issued with or without interest, as said court of county commissioners shall deem most conducive to the interests of said county, and said treasury notes shall be received by said county and all county officers for all taxes and dues accruing to said county, and shall be redeemable by the treasurer of said county in currency, when presented in sums of twenty dollars and upwards , at any time after the first of January, 1867.

With or without interest.

SEC. 4. *Be it further enacted*, That the treasury notes authorized to be issued by this act shall be issued only on the order of the court of county commissioners of said county, and for no other purpose than those authorized in this act.

By order of court of county commissioners

Approved, January 31, 1866.

No. 332.]

AN ACT

To repeal “An act to prohibit the sale of intoxicating liquors within the distance of three miles from Robinson’s Springs, and for other purposes.”

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an act approved February 21<sup>st</sup>, 1860, entitled “An act to prohibit the sale of intoxicating liquors within the distance of three miles from Robinson’s Springs, and for other purposes,” which provide as follows, to-wit : “ Section 1. That from and after the passage of this act it shall be unlawful for any person or persons to sell, vend, exchange or barter away, or in any manner dispose of or give away, any spirituous, vinous, or other intoxicating liquors of any kind whatever, in any quantity, large or small, within the distance of three miles in every direction from the springs known as the “public spring” in the village of Robinson’s Springs, in the county of Autauga, and should any person or persons so violate the provisions of this act, he or they shall be guilty of a misdemeanor, and on conviction thereof, shall be fined for the first offense in a sum not less than five hundred dollars, one-half of said fine to the informant and

Repeal.

the other half to the county treasury; and for the school and every subsequent offense shall be fined five hundred dollars and be imprisoned in the county jail not less than three months. Section 2. Be it further enacted, That it shall be unlawful for any person or persons to have or keep a ten-pin alley, or billiard table, or other place of game or play, within the distance of three miles in every direction from the public springs aforesaid, and should any person or persons so violate the provisions of this section of this act, on conviction thereof, he or they shall be fined not less than seven hundred dollars, one-half to the informant and the other to the county treasury, and for a second and every subsequent offense the fine shall not be less than seven hundred dollars and imprisonment in the county jail for not less than six months. Section 3. Be it further enacted, That it shall be unlawful after the passage of this act for the court of probate of said county of Autauga to grant any license to any person or persons, to sell, barter, or exchange, any spirituous or intoxicating liquors, or keep a ten-pin alley or billiard table, at the said village of Robinson's Springs, or within the distance of three miles thereof, as provided in the preceding section of this act," be, and the same is hereby repealed.

Approved, January 31, 1866.

No. 333.]

AN ACT

To authorize the Court of County Commissioners of the county of Franklin to borrow money.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the court of county commissioners of the county of Franklin be, and they are hereby authorized to borrow a sum of money, not to exceed ten thousand dollars to be applied in repairing the court house, building bridges, and for other like purposes in said county of Franklin.

SEC. 2. *Be it further enacted,* That said court of county commissioners are hereby authorized in contracting for the loan mentioned in the first section of this act, to agree to pay interest, not to exceed eight per cent. per

\$10,000 may be borrowed.

Bonds and interest.



annum; and they are hereby authorized to execute a bond for principal and interest , due at such time as said commissioners may think they payment can be conveniently met by the income from the county revenue, and that said payments may be by installments as said commissioners may determine.

Approved, February 8, 1866.

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No. 334. AN ACT

To authorize Charles Gibson, Judge of Probate for Lawrence county, to administer on the estate of Benajmin F. Milam, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That authority be and is hereby granted to Charles Gibson, judge of probate for Lawrence county, to take jurisdiction of the estate of Benjamin F. Milam, deceased, late of said county, to probate the will of said Milam, grant letters testamentary or of administration upon said estate, and take all other steps that may be necessary to and for the final settlement of the said estate, and to make final settlement thereof, as is now required by law in other cases.

Authorizes judge of probate to admin-

Approved, January 31, 1866.

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No. 335.] AN ACT

To prohibit the sale of spirituous or vinous liquors within three miles of St. Andrews Chapel, in Washington county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall not be lawful for any person to sell spirituous or vinous liquors, except for medical or sacramental purposes, within three miles of the church called St. Andrews Chapel, in the county of Washington ; and any person violating this act shall, on indictment and conviction , be fined in the sum of one hundred

Sale of spirits prohibited

dollars, and on the second conviction , shall be fined in a like sum and be imprisoned in the county jail not less than three months.

Approved, February 20, 1866.

No. 336.]

AN ACT

To authorize the city of Selma to issue its Bonds for certain purposes.

Selma authorized to issue bonds.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the mayor and city council of the city of Selma, Alabama, be, and they are hereby authorized and empowered to subscribe and pay for the purpose of building a court house, jail, and other necessary buildings, for county purposes, within the corporate limits of said city, a sum not exceeding twenty-five thousand dollars ; and to this end, may make appropriations out of any moneys in their treasury not otherwise appropriated ; or in case they may not have the money with which to make such appropriation in cash, they are hereby authorized and empowered to pledge the credit of the said city by the issuance of a bond or bonds for that purpose, to be signed by the mayor and countersigned by the clerk of said city, under the corporate seal, payable to bearer, at any time within ten years, as they may deem proper bearing interest at the rate of eight per cent. per annum, for the payment of which the faith and credit of the said city shall be pledged.

Approved, January 31, 1866.

No. 337.]

AN ACT

To authorize the Judge of Probate of the county Morgan to order private sale of certain lands therein named.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the probate judge of Morgan county, be, and he is hereby authorized and empowered to order

the sale of the lands of the estate of David G. Kolb, at private sale, if in his judgment the interest of said estate would be promoted thereby.

Approved, February 8, 1866.

No. 338.] AN ACT

To authorize the administrators of the estate of Isaac Winston, Jr., late of Lawrence connty, to lease lands.

Whereas, during the recent war, the dwelling house, gin-house ,out houses and tenements of every description including a very large portion of the fencing of the plantation of the late Isaac Winston , Jr., of Lawrence county, were destroyed by the federal forces ; And whereas, the plantation in its present condition is not desirable for cultivation ; And whereas, there is no money in the hands of the administrators with which to make buildings and necessary repairs. Now therefore—

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That E. R. Stanley and James T. Jones, administrators of the estate of Isaac Winston, Jr., be, and the same are hereby authorized to lease or rent the lands belonging to said estate for a period of three (3) years, or so much of that time as they deem necessary for the purpose of erecting buildings, and making all such repairs on said plantation , that they think necessary.

Approved, January 31, 1866.

No. 339.] AN ACT

To authorize the County Commissioners of Shelby county, to issue Bonds, &c., to raise money with which to build a Jail.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the court of county commissioners of and for the county of Shelby, be, and it is hereby authorized and empowered at any time during the present year

Preamble.

Administrators authorized to rent or lease lands.

County commissioners may issue bonds.

If deemed advisable may issue treasury notes instead

Limitation

Receivable in payment of county taxes.

for the purpose of raising a sufficient sum of money with which to pay for the building a jail in and for said county, to issue bonds in the name, and upon the faith and credit of said county ; Provided, That said bonds shall not exceed in amount five thousand dollars , and be made to mature within a period of not exceeding ten years from the time of their issuance.

SEC. 2. *Be it further enacted*, That if in the opinion of said commissioners' court, it is more to the interest of said county to issue county treasury notes, said court is hereby authorized and empowered to issue county treasury notes of the denomination of one, two , three five and ten dollars, to the amount of five thousand dollars, without interest, having not more than ten years to run.

SEC. 3. *Be it further enacted*, That in the event county treasury notes be issued, that the same shall be issued and used alone for to pay for the building of a jail, and not otherwise.

SEC. 4. *Be it further enacted*, That said county treasury notes shall be receivable in payment of county taxes and all other claims due said county, and when issued, shall be signed by the judge of probate, and countersigned by the treasurer.

Approved, January 31, 1866.

No. 340]

AN ACT

Empowering the City Council of Selma to levy a special tax.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the city council of Selma are hereby invested with full power and authority to levy and collect a specific tax not exceeding one per centum upon all real estate in said city, and a poll tax not exceeding five dollars on each male inhabitant above eighteen years of age, for the purpose of enabling said city council to defray expenses incurred in consequence of the small pox contagion, now prevailing in said city.

Approved, January 16, 1866.

No. 341.] AN ACT

To repeal an act entitled “An act to increase the pay of county officers of Clarke county,” &c., approved Nov. 28, 1863.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act entitled “an act to increase the pay of county officers of Clark county,” &c., and approved November 28, 1863, be and the same is hereby repealed.

Approved, February 5, 1866.

No. 342] AN ACT

To authorize the Commissioners’ Court of the county of Jefferson to appoint apportioners and overseers of roads at their first term in February, 1866.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act the court of county commissioners for the county of Jefferson, be and they are hereby authorized and empowered at their first term in February, 1866, to divide the county of Jefferson into a convenient number of road precincts, and also at the same time appoint three apportioners for each election precinct, and an overseer for each road precinct; and that the apportioners and overseers so appointed shall discharge the duties of said offices until the first regular term of the commissioners’ court held in the year 1867, and every two years thereafter said commissioners’ court shall have power, and it shall be their duty, to appoint apportioners and overseers for the term of two years, as now provided by law.

Commissioners to divide county into road precincts.

SEC. 2. *Be it further enacted,* That all laws and parts of laws of this State, applicable to apportioners and overseers of roads, be and the same are hereby extended and made applicable to apportioners and overseers appointed under this act.

Extension.

Approved, February 5, 1866.



No. 343.]

AN ACT

To amend an act entitled "An act to authorize the Commissioners' Court of the county of Lauderdale to issue Treasury Notes to pay for the building of important bridges , repairing of Court House, and other purposes," approved December 14, 1865.

Amendment of  
act of December  
14<sup>th</sup>, 1865.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the act above recited be so amended as to authorize the commissioners' court of Lauderdale county to issue either treasury notes, as prescribed in said act, or bonds running not more than ten years and drawing not more than eight per cent. interest, to an amount not exceeding forty thousand dollars ; and that said commissioners' court be authorized to either repair the present court house or build a new one in the town of Florence.

Approved, February 10, 1866.

No. 344.]

AN ACT

To authorize the election of an additional Constable in beats 4 and 5, of Montgomery county.

Additional  
constable to be  
elected.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall be lawful for the qualified voters of beats 4 and 5, in the county of Montgomery, to elect an additional constable in each of said beats, under the same laws, rules and regulations that govern other elections for constable.

Bond and powers.

SEC. 2. *Be it further enacted,* That such constable so elected shall give bond in the same amount, and be subject to the same rules, regulations and liabilities and shall possess the same powers as other constables in the State, any law to the contrary notwithstanding.

Approved, February 8, 1866.

No. 345.]

AN ACT

To repeal an act therein named, which prohibits the re-  
tailing of vinous or spirituous liquors within one mile  
of the town of Centre, in Cherokee county.

SECTION 1. *Be it enacted by the Senate and House of  
Representatives of the State of Alabama in General As-  
sembly convened,* That an act entitled an act to prohibit  
the retailing of vinous or spirituous liquors within one  
mile of the town of Centre, in Cherokee county, Ala-  
bama , be and the same is hereby repealed.

Repeal.

SEC. 2. *Be it further enacted,* That before the judge  
of probate shall grant a license in said town, or within a  
mile of the same, the party applying for said license shall  
produce to the said judge of probate a recommendation  
signed by at least six respectable householders, residents  
within one mile, who are the heads of families, and who  
are legal voters in said town, certifying that the applicant  
for said license is a respectable citizen of sober, indus-  
trious habits, and a man of integrity.

Party apply-  
ing for license  
to be recommen-  
ded.

SEC. 3. *Be it further enacted,* That in addition to the  
oath required by law of retailers , such applicant must  
subscribe an oath that he will not knowingly sell or give  
either directly or indirectly, any vinous or spirituous or  
intoxicating liquors to any minor or student of any  
school, or knowingly suffer it to be done by others, and  
that he will not knowingly suffer minors or students to  
loiter or hang round his establishment, or to drink any  
vinous or spirituous or intoxicating liquors in or about  
the same, if in his power to prevent it ; and it is hereby  
made his duty to notify all such of this restriction and  
to request them to leave ; and upon refusal, he is author-  
ized to remove them from his premises, provided he uses  
no more force than is reasonably necessary for that pur-  
pose ; and any person who shall swear falsely, shall be  
liable to all the pains and penalties of perjury, and any  
minor or student who shall drink any vinous or spirituous  
or intoxicating liquors in or about any retail shop, or  
store, where the same shall be sold, or shall refuse to  
leave said premises when told to do so by the owner or  
person in charge of the same, shall be guilty of a misde-  
meanor, and on conviction, fined not less than five dollars  
for each offence, and must stand committed until the fine

Restrictions as  
to minors and  
students.

and costs are paid, or otherwise discharged by law.

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Price of li-  
cense.

SEC. 4. *Be it further enacted*, That the price to be paid for such license must be the same as is now required by law of other retailers in town or villages.  
Approved, February 8, 1866.

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No. 346.]

AN ACT

To repeal an act entitled "An act to prevent the sale of vinous or spirituous liquors in the town of New Lexington, and in beat No. 2, west of North River, in the county of Tuscaloosa.

Repeals act  
which prohibits  
sale of spirits

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an act entitled an act to prevent the sale of vinous or spirituous liquors in the town of New Lexington, and in beat No. 2, west of North River, in Tuscaloosa county, approved December 17, 1859, be and the same is hereby repealed.  
Approved, January 18, 1866.

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No. 347.]

AN ACT

To authorize the Commissioners' Court of Jefferson county to issue county bonds for the purpose of purchasing corn, and building a jail for said county.

\$7,000 of bonds  
authorized.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the commissioners' court of the county of Jefferson shall be authorized to issue the bonds of the county to the amount of seven thousand dollars, bearing eight per cent. interest, and payable ten years after date but redeemable at the pleasure of the commissioners' court after five years.

Agent and his  
duty.

SEC. 2. *Be it further enacted*, That said commissioners' court shall employ some suitable person to sell said bonds at not less than par in United States currency, and to purchase corn and forward it to Montevallo or the head of the track on the Central railroad, where it shall be deposited with an agent to be delivered to the citizens of

said county, upon the order of the judge of probate of said county.

SEC. 3. *Be it further enacted*, That the commissioners' court shall make such distribution of said corn amongst the citizens as they may think equitable and just ; and upon such distribution being made, the judge of probate shall issue his order to the agent in favor of such person for the amount allowed him or her, upon the person executing his or her note to the judge of probate , specifying that it is for corn purchased by the county under this act, the notes bearing interest from date, at the same time paying to the judge of probate the freight and charges on said corn ; Provided, that any person entitled to receive a part of said corn may pay the cash instead of executing his or her note for said corn.

Distribution of corn

SEC. 4. *Be it further enacted*, That the interest on said bonds shall be payable on the 1<sup>st</sup> of July and 1<sup>st</sup> of January of each year, and that, should the commissioners' court fail or refuse to levy and collect sufficient tax to meet the interest and bonds when due, said court and each member of the same who refuses to provide for the payment of the interest on the bonds when they become due, shall become liable personally for the same.

Liability of members of Commissioners' Court.

SEC. 5. *Be it further enacted*, That for the payment of all notes executed to the judge of probate for said corn under this act, everything the family has shall be liable to levy and sale to pay the same, and that all laws and parts of laws contravening the provisions of this act, be, and the same is hereby repealed.

Liability for redemption of notes.

SEC. 6. *Be it further enacted*, That upon the payment of said notes into the treasury, the commissioners' court may use the same for the purpose of building a jail for said county, or for other county purposes ; said notes to fall due 25<sup>th</sup> of December, 1866.

When notes fall due.

Approved, February 10, 1866.

No. 348.]

AN ACT

To repeal an act , approved February 13<sup>th</sup>, 1855, entitled "An act to increase the amount of tax on peddling in the county of Pike."

SECTION 1. *Be it enacted by the Senate and House of*

Repeal *Representatives of the State of Alabama in General Assembly convened, That an act to increase the amount of tax on peddling in the county of Pike, in words follows : “Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That from and after the passage of this act, the license to peddle in wagons in the county of Pike, shall be for each wagon for one year, five hundred dollars ; on a horse, for each horse, three hundred dollars; and to peddle on foot, one hundred and fifty dollars ; and all laws and parts of laws conflicting with the provisions of this act, are hereby repealed,” said act having been approved , February 13<sup>th</sup>, 1855, be and the same is hereby repealed. Approved, February 8, 1866.*

No. 449.]

AN ACT

To punish trespasses on the School Lands in Mobile county.

Trespassing upon certain lands a misdemeanor. *SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That any person or persons guilty of trespassing on the school lands in Mobile county, whether sixteenth sections or other lands, or of cutting or removing any timber, lightwood or oakwood, growing, standing or being on said land, shall be deemed guilty of a misdemeanor, and be subject to indictment in the circuit or city court of said county, and on conviction , shall be fined in a sum equal to ten times the value of the timber or wood so cut or removed, and be imprisoned in the county jail for the term of not less than three, nor more than twelve months, at the discretion of the court.*

Penalty. *SEC. 2. Be it further enacted, That in all prosecutions under this act, it shall be sufficient to show that the timber or wood was cut or taken from lands reputed in the neighborhood to be school lands, and it shall devolve on the defendant to prove that the land, wherever such wood or timber was cut or removed was not the sixteenth section or school lands.*

Defendant tounder make proof in a certain event. *SEC. 3. Be it further enacted, That for every conviction under this act, the solicitor conducting the prosecu-*

Fee of solicitor.

tion, shall receive a fee of twenty-five dollars to be taxed against the defendant in the bill of cost.

Approved, February 8, 1866.

No. 350.]

AN ACT

To authorize the Commissioners' Court of the counties of Green, Sumter and Covington to issue treasury notes to pay for the building of Bridges, enlarging and repairing of Jails, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners' courts of the counties of Green, Sumter and Covington be and they are hereby authorized and empowered to issue certificates of indebtedness or county treasury notes, in sums of one, three, five, ten and twenty dollars for the purpose of defraying the expenses of said counties for the year 1866, in building bridges and for repairing and enlarging the jails of said counties, and for other county purposes.

Authorized to issue treasury notes.

SEC. 2. *Be it further enacted,* That said treasury notes may have such time to run without interest for a period not to exceed ten years, as said commissioners' courts shall deem most conducive to the interest of the counties, and shall be signed by the treasurers and countersigned by the judges of probate of said counties, and redeemable in currency when presented in sums of twenty dollars and upwards.

Limitation and redemption.

SEC. 3. *Be it further enacted,* That the amount of notes issued by said commissioners' courts shall not exceed thirty thousand dollars, and nothing in the above section shall be so construed as to grant to said courts of commissioners authority to issue treasury notes for any other purpose than those specified above.

Issue not to exceed \$30,000

SEC. 4. *Be it further enacted,* That said notes shall be receivable by the tax collectors and treasurers of Green Sumter and Covington counties, for all dues to said counties.

Receivable in payment of all dues.

SEC. 5. *Be it further enacted,* That said county treasurers shall keep books of registration, in which they shall keep the number, description and amount of all notes issued by them, under the provisions of the preceding sec-

tions; and shall issue said notes only on the order of the commissioners' courts of said counties.

Approved, January 31, 1866.

No. 351.]

AN ACT

To authorize the city of Selma to issue bonds to fund its interest debt, and for other purposes.

City of Selma authorized to issue bonds.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the city of Selma, through its mayor and city council, be and they are hereby authorized, for the purpose hereinafter named, to issue the bonds of said city to an amount not to exceed two hundred and fifty thousand dollars ; that said bonds may be issued in sizes or denominations to suit the requirements of the city, such as the mayor and city council shall determine ; that said bonds shall be payable at a period of time not exceeding thirty (30) years from the date of their respective issuances, and shall bear such rate of interest as said city, by its mayor and council, may determine, not exceeding eight per cent. per annum, payable annually or semi-annually, as the mayor and council of said city may prescribe ; and that said bonds whenever issued shall be dated and signed by the mayor, and countersigned by the clerk of said city, under the corporate seal of the city , and recorded in a book kept for that purpose, which record shall be a complete transcript of the bonds, and show to whom, when , and for what said bonds were issued.

Faith, credit and property pledged.

SEC. 2. *Be it further enacted,* That when any of the bonds authorized by this act to be issued shall have been issued, as required by the preceding section, a debt against said city shall be created, for the payment of which the faith and credit and property of the city shall be pledged.

Object of the issuance of bonds.

SEC. 3. *Be it further enacted,* That the bonds authorized by this act to be issued may be issued by said city for the purpose of paying or funding the interest debt due on the bonds of said city heretofore issued, and to aid by way of subscription to the capital stock by said city, in any of the railroad companies whose roads are or may



be connected with said city, or , if it may be deemed most advantageous to said city and it inhabitants , to substitute a loan to the company or companies of any such railroad in the place of subscriptions to their stock, and on such terms and conditions as the mayor and council of said city may prescribe, and to construct or complete any other work of internal improvement immediately connected with the welfare and commercial prosperity of said city.

SEC. 4. *Be it further enacted,* That none of the bonds of said city authorized by this act to be issued shall ever be issued by the mayor and council of said city, except it be by the consent of the people of said city, expressed by an election to be conducted in all respects as elections for officers of said city are now by law required to be conducted, and upon thirty days' notice in one of the newspapers published in said city , at which election the qualified electors of said city shall alone be entitled to vote, and who shall vote "yes," or "no," upon the proposition to issue said bonds , made by the mayor and city council, which proposition shall state concisely the purpose for which the bonds are proposed to be issued, the amount to be issued, and the terms and conditions on which they are to be issued. If, upon any such election, the qualified electors of said city shall vote "yes" then the mayor and city council may proceed to issue the bonds in the manner prescribed , and upon the terms submitted in the proposition of election for issuance, and no other.

Mayor and council restricted.

SEC. 5. *Be it further enacted,* That to secure the payment of the interest on said bonds, and the payment of the principal , a tax of not exceeding one per cent. may be levied and collected by the mayor and city council of said city, on all the property and subjects of taxation within the corporate limits of said city, payable annually or semi-annually, as said mayor and council may prescribe which taxes may be collected under such regulations as have been or may be established by said city for the collection of taxes.

Tax of one percent may be levied.

SEC. 6. *Be it further enacted,* That all moneys arising from taxes authorized by this act to be collected, shall be set apart for the payment of the interest and principal of the bonds, by this act authorized to be issued, and shall not be spent in the general appropriations of said city ;

Disposition of funds secured through taxation.

and so much as may not be required for the payment of  
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the interest on said bonds, shall be faithfully preserved and set apart as a sinking fund for the payment of the principal of the bonds, to be invested in such good interest bearing securities as said mayor and city council may deem best, when the same cannot be used for the payment of said bonds ; and it shall be the duty of the mayor and council of said city to require the clerk of said city to keep an account of all such taxes, and how the same are from time to time used or invested , in a special book to be kept and preserved for that purpose.  
Approved, February 8, 1866.

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No. 352.]

AN ACT

To authorize the Court of County Commissioners of Washington county to issue bonds or notes, to rebuild bridges and repair public buildings in said county.

*SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the court of county commissioners of Washington county are hereby authorized to issue \$5,000 of bonds of said county in such sums as said court may determine, not to exceed the sum of five thousand dollars in the aggregate, and having not longer than five years to run, bearing interest at the rate of eight per cent. for the purpose of rebuilding and repairing the bridges in said county, and for repairing the jail and other public buildings of said county.

\$5,000 of bonds  
may be issued.

County notes.

*SEC. 2. Be it further enacted,* That if the said court deem it best for the interest of said county they are hereby authorized to issue the notes of said county, to be signed by the probate judge and countersigned by the county treasurer, in such sums as the said court may determine not to exceed in the aggregate the sum of five thousand dollars, and to levy a special tax, not exceeding twenty per cent on the State tax, for the purpose of redeeming said notes or bonds, whichever may be issued by the authority of this act, and if said court determine to issue notes, the same shall be receivable in payment of county taxes; and shall not be reissued when once received into the county treasury, but shall be cancelled by said judge and treasurer as they are so received.

ec a tax

Approved , January 25, 1866.

No. 353.]

AN ACT

To authorize the Commissioners' Court of Talladega county, to issue bonds to build a county jail.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That court of county commissioners of Talladega county, be, and are hereby authorized to issue the bonds of said county, bearing interest at the rate of eight per cent. per annum, and payable in such time as the said court may determine, to an amount not exceeding five thousand dollars, for the purpose of raising money to build a county jail.

\$5,000 of bonds may be issued.

SEC. 2. *Be it further enacted,* That said county of county commissioners are hereby authorized and empowered to levy a special tax, not to exceed fifty per cent. on the State tax, for the purpose of redeeming the bonds authorized to be issued under the provisions of the first section of this act.

Special tax.

Approved, January 18, 1866.

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No. 354.]

AN ACT

To repeal an act entitled "An act to increase the fees of certain officers in Clarke county," approved December 13<sup>th</sup>, 1864.

SECTION 1. *Be it further enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* The an act entitled "An act to increase the fees of certain officers therein named, in Clarke county," and approved December 13<sup>th</sup>, 1864, and is as follows : " That from and after the passage of this act, the circuit court, clerk, sheriff, justices of the peace, and constables, that are over forty-five years of age, shall be entitled to one hundred per cent. on the fees now allowed by law; any law to the contrary notwithstanding," be, and the same is hereby repealed.

Repeal.

Approved, January 18, 1866.

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No. 355.]

AN ACT

To authorize the Commissioners' Court of St. Clair county to divide said county into four commissioners districts, &c.

Four commissioners' districts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners court of St. Clair county, shall divide said county into four districts as nearly equal as may be, and to define the boundaries of each.

Election of commissioners.

SEC. 2. *Be it further enacted,* That at the next general election for commissioners for said county, there shall be elected one commissioners for each district, who shall reside in the district for which he is elected.

Qualification of voters.

SEC. 3. *Be it further enacted,* That each qualified elector in the county shall have the right to vote for commissioner for each district, and the person residing in district number one, obtaining a greater number of the votes of the county than any other person residing in said district shall be the commissioner for said district number one, and in like manner for each of the other districts. Approved, January 23, 1866.

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No. 356.]

AN ACT

To change the time of holding the Circuit Court of the county of Coosa.

Time for holding circuit court.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter the circuit court for the county of Coosa, shall commence and be held on the second Monday of April and October, in each and every year, instead of the time now fixed by law, and continue in session twelve (12) judicial days, or until the business is disposed of.

Return of powers.

SEC. 2. *Be it further enacted,* That all process returnable to said court as now and heretofore provided to be held, shall be returnable to the court as herein provided to be held ; and all recognizances for appearance at the court, as heretofore, and now provided by law, shall be valid

in the appearance, and shall be liable to be forfeited upon

failure to appear and answer at the times fixed for holding said court as provided in this act.

Approved, January 23, 1866.

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No. 357.]

AN ACT

To give the Probate Court of Dallas county jurisdiction of the estate of Joel Riggs, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be lawful for the court of probate for the county of Dallas, to take and have jurisdiction of the estate of Joel Riggs, late of the county of Montgomery, deceased, in conformity with the desire of said Riggs, as expressed in his last will ; that said probate court may establish said will, grant letters testamentary thereon, and generally to do all such matters and things pertaining to said estate, as fully as though said Riggs had been a resident citizen of said county of Dallas, at the time of his death.

Estate of J. Riggs.

Removed to Dallas county.

SEC. 2. *Be it further enacted,* That it shall be lawful for the testimony of the subscribing witnesses to the will of said Riggs to be taken by deposition witnesses to the willSubscribing they may live within a less distance than one hundred miles from the county seat of Dallas county.

witnesses to will.

Approved, January 22, 1866.

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No. 358.]

AN ACT

To regulate the election of Commissioners of Roads and Revenue in the county of Winston.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter in all elections for commissioners of roads and revenue in the county of Winston it shall be the duty of the sheriff of said county to hold an election in each commissioner's district of said county for the purpose of electing one commissioner for said county

Election of commissioners.



in each of said districts.

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SEC. 2. *Be it further enacted,* That in the elections above specified no person shall be entitled to vote out of the district of his residence.

Term of office ers shall hold their terms of office as now prescribed by and vacancy.

SEC. 3. *Be it further enacted,* That said commission- law, and shall have power, and it is their duty, acting as a court by appointment from the district in which the re- tiring commissioner lived when the vacancy occurred.

Present in- cumbents

SEC. 4. *Be it further enacted,* That nothing in this act shall be so construed as to prevent the present incumbents from serving out the term for which they were elected.

SEC. 5. *Be it further enacted,* That said commissioners shall lay off said county into four districts as son as prac- ticable.

Approved, January 26, 1866.

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No. 359.] AN ACT

To give to the Probate Court of Mobile county jurisdic- tion over the estate of Robert A. Baker, deceased.

Estate of R. A. Baker.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assem- bly convened,* That the will of Robert A. Baker, deceased, late of Baldwin county, may be propounded for probate in the county of Mobile, and the administration and set- tlement of said estate may be had and carried on in said probate occur of Mobile county as fully in every respect as if said Robert A. Baker, had been at the time of his death a resident of Mobile county.

Transferred to Mobile Co.

Approved, January 25, 1866.

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No. 360.] AN ACT

To give the Probate Court of Marengo county jurisdic- tion of the estate of Lee R. Terrell, deceased, late of Perry county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assem-*

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*bly convened*, That the probate court of Marengo county be, and the same is hereby authorized and empowered to take jurisdiction of the estate of Lee R. Terrell, dec'd, late of Perry county, and is hereby authorized to grant letters of administration thereon, and to make all orders and decrees necessary and proper in the administration and final settlement of said estate.

Estate of L.  
R. Terrell.

Approved, January 20, 1866.

No. 361.] AN ACT

To regulate the fees of jurors and witnesses of Franklin county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act that grand and petit jurors and witnesses serving as such in the county of Franklin are entitled to receive three dollars per day and five cents per mile in going and returning from court, and ferriages.

Free of witnesses and jurors.

SEC. 2. *Be it further enacted*, That tales jurors in said county shall receive the same compensation as is allowed to regular jurors, but are allowed no mileage or ferriage.

Tales jurors.

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act are hereby repealed. Repeal.

Approved, January 26, 1866.

No. 362.] AN ACT

To authorize the Courts of County Commissioners of the counties of Coosa, Macon and Lowndes to issue county bonds for the building of public bridges in said counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the judge of probate and commissioners of Coosa county be, and they are hereby authorized

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Bonds of Coosa county.      to issue county bonds in sums not exceeding one hundred dollars each, and payable two years after their date, with eight per cent. interest thereon until paid off, for the purpose of building bridges in said county of Coosa.

Limited to \$3,000.      SEC. 2. *Be it further enacted,* That said issue of county bonds shall not exceed the sum of three thousand dollars in any one year, and the amount necessary for the building of public bridges to be adjudged of by said court of county commissioners.

Special tax.      SEC. 3. *Be it further enacted,* That said court of county commissioners shall have power and is hereby authorized to levy a county tax for the purpose of redeeming said bonds, not to exceed the State tax assessed for said county of Coosa.

Macon and Lowndes embraced.      SEC. 4. *Be it further enacted,* That said county bonds when issued shall be receivable in payment of all county taxes assessed for said county of Coosa,  
SEC. 5. *Be it further enacted,* That the provisions of this act shall apply to the counties of Macon and Lowndes, and the authority above given to the probate judge and court of county commissioners of Coosa county is hereby extended to the probate judges and courts of county commissioners of the counties of Macon and Lowndes.

Approved, January 26, 1866.

No. 363.]

AN ACT

To repeal "an act prohibiting the sale of spirituous liquors within three miles of Friendship Church and Academy, in the county of St. Clair."

Repeal of act prohibiting sale of spirits.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act entitled "An act to prevent the vending of spirituous liquors within three miles of Friendship Church and Academy, in the county of St. Clair," approved 4<sup>th</sup> December 1861, be, and the same is hereby repealed.

Approved, January 26, 1866.

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No. 364.] AN ACT

To render valid the acts of the Intendant of Greenville.

SECTION 1. *Be it enacted by the Senate and house of Representatives of the State of Alabama in General Assembly convened,* That the residence of Benjamin F. Porter, in or near Greenville, is declared within the corporate limits of said town, whether a mile from the court house or not.

Residence of  
B. F. Porter.

SEC. 2. *Be it further enacted,* That the acts of said Benjamin F. Porter, as intendant of Greenville, under his appointment by the Provisional Governor, and under his election by the people of said town on the 8<sup>th</sup> January, 1866, shall not be invalid on account of his residence being more than a mile from the court house of said town.

Validity of  
official acts.

Approved, January 26, 1866.

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No. 365.] AN ACT

To authorize the Clerk of the City Court of Selma to draw books and stationery.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners court of Dallas county, be and they are hereby authorized to furnish books and stationery to the clerk of the city court of Selma.

Approved, January 26, 1866.

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No. 366.] AN ACT

To legalize the issue of change bills put in circulation as money by the Mayor, Aldermen and Common Council of the City of Mobile, Selma, and Montgomery & West Point Railroad.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the change bills issued and put in cir-

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Change bills  
legalized.

culation as money by the mayor, aldermen and common council of the city of Mobile, of date "4<sup>th</sup> May, 1865," which change bills are signed by the mayor and treasurer of said city, are hereby legalized and declared valid and binding obligations against said corporation, and the same shall be redeemed in United States treasury notes, or national currency, when presented to the treasurer of said city by any holder, in sums of twenty dollars, or its multiple.  
SEC. 2. *Be it further enacted,* That said change bills

Receivable for shall be taxes.

received in payment of all taxes, licenses, debts and dues to said corporation.  
SEC. 3. *Be it further enacted,* That all the provisions of this act, so far as applicable, shall apply to the change bills issued by authority of the municipal authorities of the city of Selma in the year 1865, and to the change bills issued by the Montgomery & West Point Railroad Company in the year 1865.  
SEC. 4. *Be it further enacted,* That all acts and parts of acts conflicting with the provisions of ths act, be, and the same are hereby repealed.  
Approved, February 20, 1866.

No. 367.]

AN ACT

To authorize the Commissioners of Revenue of Mobile county to issue bonds for certain purposes.

County bonds  
authorized.

SECTION 1. *Be it enacted by the Senate and house of Representatives of the State of Alabama in General Assembly convened,* That the commissioners of revenue of the county of Mobile are hereby authorized to issue the bonds of said county, with coupons attached for annual interest, at a rate not exceeding eight per cent., payable semi-annually to bearer, in sums of not less than five hundred dollars each, and payable at such times not more than twenty years from date and at such place or places as to the said commissioners may seem most advantageous for the sale of them, which bonds shall be made redeemable at any time earlier that the time mentioned on the fact thereof, at the election of said commissioners ; said bonds shall be signed by the president of the said commissioners of revenue, and countersigned by the clerk of said board of commissioners, which said bonds, or the pro-

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ceeds of the sale thereof, shall be applied to the purpose of taking up the bonds heretofore issued for the building of a court house and jail in said county, and the payment of interest past due thereon, and for the purpose of erecting a court house in said county ; Provided, that the whole amount of county bonds issued under this act shall not exceed the sum of one hundred and fifty thousand dollars exclusive of interest, and provided, further, that said bonds shall not be sold or disposed of at less than their par value.

Purpose of bonds.

Limited to \$130,000.

Approved, February 20, 1866.

No. 368.] AN ACT

To declare Center Bogue creek, in Washington county., from its mouth on the Tombigbee river to Donaldson's bridge, a public highway.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, Center Bogue creek, in Washington county, from its mouth on the Tombigbee river up to Donaldson's bridge, be, and the same is hereby declared a public highway.

Highway.

Approved, February 20, 1866.

No. 369.] AN ACT

To legalize the act of the Probate Court of Clarke county, appointing R. H. Northrop administrator of John Dortch, deceased, and to transfer said administration to Wilcox county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the grant of administration on the estate of John Dortch, deceased, to R. H. Northrup, by the probate court of Clarke county, is hereby legalized and made valid.

Estate of J. Dortch.

SEC. 2. *Be it further enacted,* That the administration of said estate be, and the same is hereby removed from

Removal to Wilcox county.

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Sureties.

the probate court of Clarke county, to the probate court of Wilcox county, and the said probate court of Wilcox county is hereby invested with full jurisdiction and authority over the said estate, and may make all orders and decrees in relation to the administration thereof, as if said letters had been originally granted in said county of Wilcox; and the judge of said probate court of Clarke county is hereby authorized and required to transfer to said probate court of Wilcox county all the original papers on file in his office relating to said estate, together with copies of all orders and decrees duly certified under his hand and seal; provided, that before this act shall take effect, the sureties on the official bond of said administrator shall file their written assent to the provisions of this act in the probate courts of Clarke and Wilcox counties, or in default thereof, a new bond be given by said administrator to be approved by the judge of probate court of Wilcox county, and filed and recorded in the office of said judge.

Approved, January 20, 1866

No. 370.]

AN ACT

To authorize the Court of County Commissioners of Tuscaloosa county to settle and adjust claims against said county, and to issue bonds to pay the same.

Preamble.

Whereas, the court of county commissioners for the county of Tuscaloosa has contracted a large indebtedness against said county for the purpose of supplying the indigent families of soldiers and the poor of said county with corn, salt, and other articles necessary to their support, depending for the payment of such indebtedness upon the appropriations made at the last session of the legislature and the several county levies for such purposes; and whereas the indebtedness aforesaid was intended to be paid in Confederate money, and that before said money or any part thereof was realized by said court of county commissioners Confederate money ceased to be of any value, therefore:

SECTION 1. *Be it enacted by the Senate and house of Representatives of the State of Alabama in General Assem-*



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*bly convened*, That the court of county commissioners of the county of Tuscaloosa be, and it is hereby authorized and empowered to settle and adjust all claims against such county contemplated by the preamble to this act with the holders of said claims according to the provisions of an ordinance of the late convention, with reference to the settlement of contracts made between the first day of September, 1861, and the twenty-fifth day of May, 1865.

Settlement of county claims.

SEC. 2. *Be it further enacted*, That the court of county commissioners for the county aforesaid be and it is hereby authorized and empowered to issue the bonds of said county for a sum not exceeding thirty thousand dollars, having ten years to run, bearing eight per cent. interest, payable annually at such place as said commissioners' court may designate ; said bonds shall be in sums not less than one hundred dollars, or the multiple of one hundred dollars, to be signed by the judge of probate and countersigned by the county treasurer, said bonds to be given in exchange for the debts owing as adjusted by the first section of this act, or sold at not less than their par value for funds to pay said claims, and to raise the means of purchasing provisions for the immediate necessities of the necessitous poor of the county.

\$30, 000 of bonds may be issued.

Approved, January 23, 1866.

No. 371.]

AN ACT

To repeal an act to authorize the qualified voters of the city of Tuscaloosa to elect a City Marshal, approved February 5, 1840.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an act entitled "an act to authorize the qualified voters of the city of Tuscaloosa to elect a city marshal," approved February 5<sup>th</sup>, 1840, be and the same is hereby repealed.

Approved, February 10, 1866.

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No. 372.]

AN ACT

To provide for the erection and purchase of school houses, and the purchase of libraries and apparatus for the Public Schools in the county of Mobile.

County Com-  
missioners au-  
thorized to raise  
funds.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the board of school commissioners of the county of Mobile is hereby authorized to raise annually, by special tax, (in the same manner as the school tax is levied upon real and personal property within the county,) an amount of money not exceeding five cents on each one hundred dollars of valuation, for the purpose of providing suitable houses, libraries, and apparatus for the use of the public schools in said county.

Powers of the  
Commissioners.

SEC. 2. *Be it further enacted,* That the said board of school commissioners is hereby authorized and empowered to purchase, hold, lease, sell, or exchange real estate, and to erect, lease or purchase building from time to time, as may be necessary to supply suitable school houses for the children and youth in said county ; Provided, that no purchase or transfer of real estate, or appropriation, for the erection of any school house shall be made, except by the vote in the affirmative of not less than two-thirds of all the members constituting the said board of school commissioners.

May issue  
bonds.

SEC. 3. *Be it further enacted,* That it shall be lawful for the said board of school commissioners to anticipate the revenue provided to be raised by the first section of this act, by the issuance and sale of the bonds of the said board, with coupons attached, bearing interest at a rate not exceeding eight per centum, payable semi-annually to bearer in sums of not less than one hundred nor more than one thousand dollars each, and payable at such times not more than ten years from date, and at such place or places as may be deemed most advantageous for their sale. Said bonds shall be signed by the president of the said board of school commissioners, and countersigned by the secretary of said board, and the proceed of the ale thereof shall be applied exclusively to the providing of school houses, as contemplated in this act ; Provided, that the entire amount of the issue of said bonds shall not exceed the sum of one hundred thousand dollars ;

Provided, that the said bonds shall not be sold at less than

their par value ; And, provided further, that the privilege of issuing said bonds is limited to the period of four years from the dat of the passage of this act.

SEC. 4. *Be it further enacted*, That all acts, and parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed. Ths act shall take effect immediately on its passage.

Repeal

Approved, February 9, 1866.

No. 373.]

AN ACT

Authorizing the transfer of the estate of Andrew Kaeiser, deceased, from Walker county to Lawrence county, in this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the judge of probate of Walker county be and is hereby authorized and empowered to grant and make an order transferring and removing the execution of the will and estate of Andrew Kaeiser, deceased, from the probate court of Walker county to the probate court of Lawrence county, and that the probate judge of Walker county be and is further more authorized and required to furnish a complete transcript of all orders, entries and decrees of said estate made in the probate court of Walker county, also the original will and order transferring said estate ; thereupon the probate court of Lawrence county shall have full and complete jurisdiction of said will and estate ; Provided, that the sureties of the official bond of the administratix, if there be any, shall file their written consent to the provisions of this act in the probate courts of Walker and Lawrence counties, or in default of such assent a new bond be given by the administratrix, with the will annexed, and approved by the probate judge of Lawrence county.

Transfer of execution of estate of A. Kaeiser to Lawrence county.

Proviso as to sureties.

Approved, Feburary 20, 1866.

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No. 374.] AN ACT

For the protection of Cattle owners of Coffee county.

Interference  
with cattle pro-  
hibited.

SECTION 1. *Be it enacted by the State and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act that if any person within the limits of Coffee county shall, without the consent of the owner, his agent or keeper of cattle, pen, enclose or take up for milking, or for other purposes any cattle belonging to any other, he or she shall be liable on conviction to a fine of ten dollars for each offense, recoverable before any justice of the peace.

Approved, February 20, 1866.

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No. 375.] AN ACT

To repeal section 917 of the Code, relative to pilotage, and all the acts amendatory thereof, and to increase the pay of pilots in the bay or harbor of Mobile.

Rate of pay  
for pilots.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the master, owner, or consignee of any ship or vessel must pay the pilot who conducts a vessel into or out of the bay or harbor of Mobile, at the following rates for the actual draft of water at the time of pilotage, viz : on every vessel crossing the outer bar of Mobile bay, drawing not more than ten feet water, three dollars and fifty cents per foot ; on every vessel drawing more than ten feet and not exceeding twelve feet water, four dollars per foot ; on every vessel drawing more than twelve feet water, and not exceeding fourteen feet, four dollars and fifty cents per foot ; and on all vessels drawing more than fourteen feet water ; six dollars per foot ; on all vessels crossing Dog River bar, of whatever draft of water, two dollars per foot, and if such vessels proceed to or from the city of Mobile via Spanish river, two dollars and fifty cents per foot.

Repeal.

SEC. 2. *Be it further enacted,* That section numbered 917 of the Code of Alabama, and an act entitled "An Act to amend section 917 of the Code of Alabama, relative

to pilotage,” approved February 11, 1854, and an act entitled “An Act to amend the laws as to pilotage,” approved, February 6, 1858, be and the same are hereby repealed.

Approved, February 20, 1866.

No. 376.] AN ACT

To authorize the Commissioners’ Courts of Dallas and Monroe counties to borrow money.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners’ court for Dallas and Monroe counties be and they are hereby authorized and empowered to borrow on the faith and credit of these counties a sum of money not exceeding eight thousand dollars each, for the following purposes:

\$8,000 may be borrowed.

1<sup>st</sup>. Proper and indispensable repairs and additions to the jails for the safe keeping of prisoners, and purifying the jails of contagious disease.

For what purpose.

2d. Necessary provision for the support and care of the poor of these counties.

3d. Building bridges.

And that said commissioners’ court, in order to borrow such sum of money, be empowered to sell county bonds or issue change bills in sums not less than one dollar, or draw orders on the county treasurer; Provided, that such obligations shall be contracted on a credit not longer than two years, and for not less than par value.

Bonds or notes may be issued.

Approved, January 16, 1866.

No. 377.] AN ACT

To regulate the jurisdiction of criminal offenses occurring upon the bay of Mobile and parts adjacent thereto.

SEC. 1. *Be it enacted by the Senate and house of Representatives of the State of Alabama in General Assembly convened,* That when any offense against the criminal

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 Jurisdiction  
 of criminal  
 cases.

law of this State is committed upon the bay of Mobile, or upon the rivers or swamps or islands lying between the mainland in Mobile and the mainland in Baldwin county, the jurisdiction is in either Mobile or Baldwin county.

Approved, February 21, 1866.

No. 378.]

AN ACT

To enlarge the powers of the Town Council of Cahaba.

Authority to  
 levy tax.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the town council of Cahaba shall have power and authority to levy and collect annually, in such manner as they may by ordinance prescribe, a tax on all real estate within the limits of said town, and on all personal property (except as hereinafter provided,) now or hereafter subject to taxation by the laws of this State, which tax shall not exceed one-half of one per cent. on the value of such property ; and also to levy and collect in like manner a tax of one-fourth of one per cent. on the gross sales of all goods, wares and merchandise sold in said town.

Rates of tax-  
 ation.

SEC. 2. *Be it further enacted,* That said town council shall have power to levy and collect annually a tax not to exceed the following rates : For each livery or sale stable, fifty dollars ; for each ware house for the storage of cotton, one hundred dollars ; insurance offices, foreign or otherwise, twenty-five dollars ; free banks or bank agencies, twenty-five dollars ; hotels, twenty dollars ; pedlers, ten dollars ; restaurants, twenty-five dollars ; billiard, pool, bagatelle or other tables kept for play, twenty dollars each; ten-pin alleys, or alley with any other number of pins, ten dollars ; market houses, ten dollars ; retailers of spirituous or vinous liquors, one thousand dollars ; confectionaries, ten dollars ; resident lawyers, physicians and dentist, five dollars each; daguerrian artists, ten dollars ; wagons, carts, carriages, hacks or drays employed in hauling for the public, except such as belong to livery stables or war houses, five dollars each ; and to collect a tax as the occasion may require, not to exceed the following : on theatres, con-

certs, for profit, shows or other exhibitions, (except circuses,) five dollars for each days' performance or exhibition; circuses, ten dollars for each performance; lectures, where an admission fee is charged, except for charitable or benevolent purposes, five dollars for each lecture.

SEC. 3. *Be it further enacted,* That any person desiring to carry on any business, calling or profession enumerated in the first sub-division of the preceding section shall, before engaging therein, pay to the clerk of said town council the tax which may have been imposed thereon, and obtain from said clerk a license therefor, which shall be of force for ne year from its date ; and those of the second sub-division shall in like manner pay the tax and obtain a license for the number of performances or exhibitions proposed to be given, an din every case a fee of one dollar must be paid to the clerk.

License to be issued.

SEC. 4. *Be it further enacted,* That if any person shall engage in or carry on any business, calling or profession in said town enumerated in section two, without first paying the tax imposed thereon, he shall be subject for each day he may be so engaged to such fine as said town council may impose within the limits of their authority.

Penalty for not taking license.

SEC. 5. *Be it further enacted,* That said town council shall have full power and authority to pass and enforce all by-laws and ordinances, to prevent and remove nuisances ; to keep in repair all necessary streets, alleys, bridges and drains, and to require all the inhabitants of said town, liable to road duty under the laws of this State, to work on said streets not exceeding ten days in one year, or to pay not exceeding ten dollars each, in lieu of such work ; to prevent the introduction and spread of contagious or infectious diseases within said town by providing a place or places of reception for the sick, or by establishing a hospital or pest-house, or by any other lawful means ; to cause all vagrants idle or disorderly persons, all persons of evil life or ill-fame, and all such as have no visible meas of support, or as are likely to become chargeable to the town as paupers, or are found begging drunk in or about the streets, or who can show no reasonable cause of employment or business in the town, all who have no fixed place or residence or cannot give account of themselves, all who are grossly indecent in language or behavior publicly in the

Powers of town council.



town, and all public prostitutes, or such as lead a note-

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Punishment  
of offenders.

riously lewd or lascivious course of life, to give security for their good behavior for a reasonable time, and to indemnify the town against any charge for their support ; and in case of their inability or refusal to give such security, to cause them to be confined to labor, for a limited time, not exceeding forty days, on the public streets, unless such security shall sooner be given ; and that the labor designated may be performed, the town council shall have power to appoint a person or persons to take those confined and sentenced to labor from their place of confinement to the place of labor, and watch them while at work, and return them before sundown to the place of confinement ; and if they shall be afterwards found offending, such security may again be required, and for want thereof a like proceeding may again be had from time to time, as often as may be necessary.

Enlarged pow-  
er for punishing  
offenders.

SEC. 6. *Be it further enacted*, That in the event of the refusal or inability of any person to pay any fine imposed on him or her, for a violation of any of the by-laws or ordinances adopted by said town council, the said council shall, in addition to the power to commit to prison, now existing by law, have power to cause such person to be confined to labor on the public streets for a limited time, not exceeding forty days, in the way and manner prescribed in section five of this act, or to issue execution to enforce the collection of said fine.

Special tax.

SEC. 7. *Be it further enacted*, That for the purpose of defraying the expenses necessarily incurred during the year 1865 in the government of said town, no taxes having been collected during that year, and for the purpose of defraying the expenses of the pest-house, the town council of said town shall have the power to levy a tax of one per cent. on the value of all real and personal property within the corporate limits of said town, said property to be estimated at its present value ; Provided, however, that this section shall cease to be operative as soon as the tax of one per cent. for the year 1865 is collected.

Approved, February 22, 1866.

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No. 379.] AN ACT

To legalize the issue of Change Bills by authority of the City Council of Montgomery, and other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the change bills issued by the "City Council of Montgomery," circulated as money, ten thousand dollars of which, signed by E. H. Metcalf for mayor and D. H. Shular for city treasurer, and fifteen thousand dollars, signed by D. H. Shular for mayor and Daniel Fraser for city treasurer, all dated May 8<sup>th</sup>, A. D., 1865, be, and the same are hereby legalized. That said issue be receivable for all taxes and dues to the city, and be redeemable in United States treasury notes, on presentation to city treasurer.

Change bills legalized.

SEC. 4. *Be it further enacted,* That the provisions of the first section of this act be, and the same are hereby applied to Messrs. Metcalf and Hatchett of the city of Montgomery ; Provided, That their bills shall not be receivable in payment of taxes and dues to the city.

Approved, February 20, 1866.

No. 380.] AN ACT

To authorize the Commissioners' Court of Perry county to furnish the sheriff of said county with necessary books and stationery.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners' court of Perry county, be, and it is hereby authorized and empowered to supply the sheriff of said county with all books and stationery, necessary for the use of his office, the same to be paid for out of the funds in the county treasury.

Sheriff to be furnished books.

Approved, February 20, 1866.

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No. 381]

AN ACT

To authorize the Commissioners' Courts of Pickens and Coffee counties to levy a special tax for the purposes therein named.

Special tax authorized.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners' courts of Pickens and Coffee counties, be, and they are hereby authorized and empowered to levy a special tax of one-fourth of one per cent. on all the taxable property in said counties, for the purpose of building a court house in and for each of said counties.

Duration of act.

SEC. 2. *Be it further enacted,* That the said act to be and continue in force for a period not longer than four years from the time the said commissioners' courts may deem it prudent to commence the work on said court houses.

Duty of assessors.

SEC. 3. *Be it further enacted,* That it shall be the duty of the tax assessors of said counties to assess the said tax of one-fourth of one per cent. on the taxable property of said counties, at the same time, they assess the State and county taxes for other purposes ; and for their services, they shall be allowed the same rate of fees they are now entitled to by law ; but said assessment not to be made until ordered by the commissioners' courts.

Duty of collector.

SEC. 4. *Be it further enacted,* That it shall be the duty of the tax collectors to collect the said taxes under the direction of the commissioners' courts, and for their services they shall receive the same rate of fees as now allowed by law for collected State and county taxes.

Approved, February 20, 1866.

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No. 382.

AN ACT

To authorize the Commissioners' Court of Coffee county to issue treasury notes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners' court of Coffee county, be authorized to issue treasury notes or scrip to

the amount of ten thousand dollars, bearing legal rate of interest, with five years to run, receivable in payment of county taxes and dues, and in discharge of its present and future liabilities, redeemable at the expiration of five years, or sooner, at the option of the commissioners' court of said county, for the purpose of building occur house, bridges, &c.

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\$10,000 of notes authorized.

SEC. 2. *Be it further enacted,* That it shall be the duty of the probate judge to sign the said notes, keep a correct statement and description of them, and the treasurer be required to make an exhibit semi-annually of the amount in circulation.

Notes, how prepared.

SEC. 3. *Be it further enacted,* That there shall e annually levied and collected a tax to pay the annual interest due on said treasury notes, and at the maturity of said treasury notes, or sooner, if the commissioners' court of Coffee county choose to do so. It shall be the duty of said court to provide by taxation or otherwise to redeem said treasury notes.

Special tax.

SEC. 4. *Be it further enacted,* That it shall be the duty of the probate judge of Coffee county to destroy in (presence of the commissioners' court, on the redemption of the treasury notes authorized to be issued by this act,) and post up the list of such as have been redeemed and destroyed on court house door.

Destruction of redeemed notes.

Approved, February 23, 1866.

No. 383.]

AN ACT

To authorize the Comptroller to settle with the Bank of Selma.

Whereas, it satisfactorily appears that on the 20<sup>th</sup> day of April, 1865, it became necessary for the president and directors of the bank of Selma to destroy one hundred and thirty-four thousand and sixty dollars of the circulating notes of said bank, to prevent the capture of the same by the public enemy. And whereas, the president and directors of said bank did burn and totally destroy one hundred and thirty-four thousand and sixty dollars, on the day aforesaid, of the circulating notes of said bank, which had been countersigned by the comptroller, and issued to said bank for circulation. Therefore—

Preamble.

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Comptroller tothorized to credit said bank of Selma with the sum of one hundred and thirty four thousand and sixty dollars, so destroyed, on the books in his office, and to settle with said bank in manner as if said notes had been delivered to him.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of the State be authorized to credit said bank of Selma with the sum of one hundred and thirty four thousand and sixty dollars, so destroyed, on the books in his office, and to settle with said bank in manner as if said notes had been delivered to him.  
Approved, February 23, 1866.

No. 384.]

AN ACT

To authorize the Commissioners' Court of Morgan county to divide said county into four Commissioners' Districts.

County divided into four districts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners' court of the county of Morgan are hereby authorized and empowered to lay off said county into four districts, in such manner as to secure the future distribution of said commissioners among the different sections of said county, in such way as shall be most just and convenient for the citizens of said county.

Election of Commissioners.

SEC. 2. *Be it further enacted,* That each of said divisions shall be called a commissioners' district, and shall be entitled to elect one commissioner, and no person residing in one of said districts shall be entitled to vote for commissioner for either of the other districts.  
Approved, February 20, 1866.

No. 385.]

AN ACT

To change the terms of the City Court of Selma.

Change of time for holding court.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter the terms of the city court of Selma shall begin and be held on the first Mondays in March and September, instead of the first Mon-

days in April and October, as heretofore provided by law, this act being an amendment of an act entitled an act to establish the city court of Selma, the fourth section thereof, in the following words : “ Be it further enacted, That until otherwise provided, said city court shall be holden, and the office of the clerk thereof shall be kept, with the consent of the mayor and council of the city of Selma, at the City Hall in said city. Said court shall hold two terms of two weeks each, in each and every year, commencing on the first Mondays in April and October, and may hold such other terms as may be necessary for the dispatch of business when prescribed by the judge of said court, by giving thirty days’ notice thereof by the publication in one of the city newspapers.

Approved, February 23, 1866.

No. 386.]

AN ACT

To authorize the Commissioners’ Courts of Autauga and Pickens counties to issue certificates of indebtedness, or county treasury notes, for purposes therein specified.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the court of county commissioners of Autauga county, be, and they are hereby authorized and empowered to issue certificates of indebtedness, or county treasury notes, of such denominations as said court may determine, not exceeding in the aggregate the sum of ten thousand dollars, for the purposes of repairing county buildings, erecting bridges on public roads, and defraying the necessary expenses of said county.

\$10,000 of certificates or county treasury notes authorized.

SEC. 2. *Be it further enacted,* That the treasury notes issued by said county under this act shall be signed by the treasurer and countersigned by the probate judge of said county, and may be stamped with the seal of said county without any tax being paid to the State therefor, if the commissioners’ court shall so determine, and shall be numbered and described by the county treasurer in a book of registration kept for that purpose.

Mode of preparing notes.

SEC. 3. *Be it further enacted,* That said treasury notes shall be issued with or without interest, as said court of

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Receivable for taxes and dues accruing to said county, and shall be re- taxes, &c.

county commissioners shall deem most conducive to the interest of said county, and said treasury notes shall be receivable by said county, and all county officers, for all

deemable by the treasurer of said county in currency when presented in sums of twenty dollars and upwards, at any time after the first day of March, 1867.

Pickens Co. included.

SEC. 4. *Be it further enacted,* That the treasury notes authorized to be issued by this act shall be issued only on the order of the county of county commissioners of said county, and for not other purpose than those authorized in this act.

SEC. 5. *Be it further enacted,* That all the provisions, powers, rights and privileges contained in this act, shall apply to the county of Pickens.

Approved, February 23, 1866.

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No. 387.] AN ACT

To authorize the Commissioners of Revenue of Mobile county to make equitable settlements in certain cases.

Authority to make settle- ments.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners of revenue of Mobile county be and they are hereby authorized and empowered to adjust and settle, upon just and equitable terms, all claims, taxes, assessments and liabilities in favor of, or for which said county is liable, which were contracted, incurred or assessed in Confederate or other existing currency during the late war, and prior to the first day of May, 1865, and said commissioners are hereby authorized to receive payment and to make payment to other parties according to the terms of such settlements.

Approved, February 21, 1866.

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No. 388.] AN ACT

To define the powers of Justices of the Peace in the counties of Dallas, Pickens, and other counties.

SECTION 1. *Be it enacted by the Senate and House of*



*Representatives of the State of Alabama in General Assembly convened,* That hereafter the justices of the peace in the counties of Dallas, Pickens, Tuscaloosa, Barbour, Conecuh, Tallapoosa, Lowndes, Marion, Covington, Montgomery, Marengo and Chambers, shall have the option to demand the payment of costs before issuing any civil process.

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Pre-payment of costs.

SEC. 2. *Be it further enacted,* That in all cases which may be appealed from any justice's court in said counties, the justice before whom such case may be tried shall have the right to demand of the appellant the payment of all costs before sending such appeal to the appellant court, and in default of such payment he shall not be compelled to send up such appeal.,

The same upon appeal.

Approved, February 23, 1866.

No. 389.]

AN ACT

To authorize th court of County Commissioners of Marengo county to levy a special tax to build and repair bridges in said county, or to issue county treasury notes for that purpose.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the court of county commissioners for the county of Marengo be, and it is hereby authorized to levy a special tax, not to exceed one hundred per cent. on the State tax, for the purpose of building and repairing bridges in said county.

Special tax au-

SEC. 2. *Be it further enacted,* That if said court of county commissioners should deem it most expedient, it may and is hereby authorized to make and issue county treasury notes, to be due and payable at such time and places in said county as they in their discretion may fix upon, for the purposes aforesaid.

County notes may be issued.

Approved, February 21, 1866.

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No. 390.]

AN ACT

To empower the Probate Judge of Madison county to grant letters of administration upon the estate of John Geron.

Estate of John Geron.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the probate court for the county of Madison and State of Alabama, be invested with full power and jurisdiction to grant to any qualified person letters of administration of all and singular the goods and chattels, rights and credits, which belonged to John Geron at his death, who died intestate in the county of Jackson, and such grant shall be as good and effectual as if sad Geron had died in the county of Madison, and all subsequent acts and proceedings of the administration and courts shall be and had according to the laws enforced, or hereafter to be passed governing executors and administrators.

Removed to Madison county.

No. 391.]

AN ACT

To increase the pay of Commissioners of Roads and Revenue, and Jurors, for the counties of Covington and Coosa.

Commissioners and jurors allowed \$3 perdollars per day.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners of roads and revenue, grand and petit jurors of the counties of Covington and Coosa, be, and they are hereby allowed each three

50 per cent. additional to officers.

perdollars per day in lieu of the pay now allowed by law.  
SEC. 2. *Be it further enacted,* That the other civil officers for the counties of Covington and Coosa, be, and they are hereby allowed fifty per centum in addition to the fees established by the Code of Alabama, for the various duties performed in their respective offices.

Approved, February 23, 1866.

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No. 392.] AN ACT

To authorize the Court of County Commissioners of Marion county to issue treasury notes for certain purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the court of county commissioners of Marion county be, and they are hereby authorized to issue county treasury notes to the amount of one thousand dollars, for the repairs of the county jail and public bridges in said county.

\$1,000 of notes authorized.

SEC. 2. *Be it further enacted,* That said treasury notes shall be received in payment of all county taxes and other county dues.

Receivable for taxes.

Approved, February 23, 1866.

No. 393.] AN ACT

To provide for the location of the county site of the county of Conecuh.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sheriff of Conecuh county shall open and hold an election at the different precincts in said county, for the purpose of permanently locating the seat of justice for said county of Conecuh in the following manner, to-wit : The said sheriff shall, thirty days previous to the first Monday in May next, notify the people of said county by public advertisement put up at each precinct in the said county of Conecuh, that the aforesaid election will be held as above specified on the first Monday of May next ; at which it is made lawful for all citizens who are entitled by law to vote for representatives to the general assembly in said county to vote at said election for any place in the said county they may think proper ; and upon casting up th votes of said election, should any other place than the present county site at Sparta receive a majority of the whole number of votes cast, then, and in that event, such place receiving said majority shall be the seat of justice of Conecuh

Election to locate county site.

When and how conducted.

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 Proviso.

Further pro-  
 viso.

How election  
 to be conduct-  
 ed.

Penalty for  
 illegal voting.

Election re-  
 turns.

county ; Provided the citizens of such place and vicinity shall by the first day of January, 1867, build a court house free of charge to said county, of equal value, capacity and convenience for the transaction of the public business as the court house now locate at Sparta, to be determined by the court of county commissioners of said county ; Provided, further, That should said majority heretofore required at said election fail to be cast for any other place than the present county site of Sparta, or the citizens of such place and vicinity for which said majority is cast fail or refuse to build a court house as above set forth by the first day of January, 1867, in either event, the court house shall be and continue permanently located at the present county site at Sparta.

SEC. 2. *Be it further enacted,* That said sheriff shall cause to be kept a separate box at each precinct for the purpose of containing the votes that are given in for said county site, and said sheriff shall hold said election in the same manner as is provided by law for the election of judges of probate, and the managers and other persons appointed to hold said election shall be governed by the same laws and subject to the same pains and penalties as are provided by law for the regulation of general elections in this State.

SEC. 3. *Be it further enacted,* That any person voting illegally in said election shall incur the same pains and penalties imposed by law for voting illegally in other elections, and said election may be contested for fraud, gross mismanagement or illegal voting, and such fraud punished as is provided for frauds in similar cases. The returns of said election shall be made to the sheriff of said county within three days thereafter, unless prevented by accident or unavoidable cause, whereupon the sheriff and other officers, now provided by law for the receiving and counting election returns for the several counties, shall count and add up all the votes cast in said election, and if it shall appear that any other place than the present county site at Sparta shall have received a majority of all the votes polled, they shall give public notice of the same by posing one copy of said notice on the court house door and two other public places in said county ; and upon a full compliance with the other provisions of this act on the part of the citizens of the place so voted for, it shall be the duty of the court of county commis-

sioners to give public notice of the same, whereupon the

judge of probate, clerk of the circuit court, and sheriff, as early thereafter as practical, shall remove to the new court house all the books, papers and other property belonging or appertaining to their respective offices.

Officers re-move to new

SEC. 4. *Be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, February 23, 1866.

No. 394.]

AN ACT

To regulate the pay the Jurors for the counties of Bibb, Coffee, and Jackson.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly* convened, That from and after the passage of this act, grand and petit jurors for the counties of Bibb, Coffee and Jackson, shall receive two dollars for each day's service, and five cents a mile in going to and returning from court, and ferriages.

\$2 a day to jurors.

SEC. 2. *Be it further enacted,* That tales jurors for said counties shall receive the same compensation as is allowed to regular jurors, but are allowed no mileage or ferriages.

Tales jurors.

Approved, February 23, 1866.

No. 395.]

AN ACT

For the relief of William Taylor, of Montgomery county, and for other purposes relating to land warrants.

Whereas, on the 27<sup>th</sup> day of October, 1862, said William Taylor entered of Monroe Donoho, register and receiver at Tuscaloosa, the south-west quarter of section 34 in township No. 19, of range No. 3, west, containing one hundred and fifty-six acres and 72-100, at the price of two dollars and fifty cents per acre, and paid for the same by warrant No. 42,926, Act 1855, for two hundred dollars, and in money one hundred and ninety-five 90-100 dollars, and received a receipt for the same; therefore,

Preamble.

Annuls.

Governor to  
deliver.  
Proviso.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That said entry be, and the same is hereby annulled, and that the said William Taylor be, and he is hereby authorized to receive from the State of Alabama the said warrant No. 42,926, Act 1855, and that the Governor of the State be authorized and he is hereby directed to deliver said warrant to said William Taylor ; Provided, The said warrant can be found in any of the departments of the State.

Governor to  
return land  
warrants.

Proviso.

SEC. 2. *Be it further enacted,* That whenever it shall be made to appear to the satisfaction of the Governor that any person shall have located land warrants in this State between the 11<sup>th</sup> day of January, 1861, and the 20<sup>th</sup> day of May, 1865, it is made the duty of the Governor to return the said land warrant to the party locating the same, or to the party to whom said land has been subsequently transferred ; Provided, the said land warrant is in the possession or under the control of said Governor.  
Approved, January 31, 1866.

No. 396.]

AN ACT

For the relief of Jesse Y. Austin, administrator of the estate of John H. Faires, deceased.

Sale made le-  
gal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That a sale made by said administrator on the 28<sup>th</sup> day of October, 1862, of the personal property belonging to the estate of the said John H. Faires, deceased, amounting to about \$1700, be, and the same is hereby made legal.  
Approved, January 23, 1866.

No. 397.]

AN ACT

To declare Elizabeth Harris, wife of Mathew Harris, of Chambers county, a free dealer.

SECTION 1. *Be it enacted by the Senate and House of*

*Representatives of the State of Alabama in General Assembly convened*, That Elizabeth Harris, wife of Matthew Harris, of the county of Chambers, be, and she is hereby made and declared a free dealer, and that she shall be capable of contracting and being contracted with, of suing and being sued, alone, without joining her said husband, and that she may transact and carry on all or any business she may engage in, and that she may be entitled to all the rights and privileges, and subject to all the liabilities of a *feme sole*, notwithstanding her coverture.

Approved, February 21, 1866.

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Free dealers.

No. 398.]

AN ACT

For the relief of Charles H Phillips, of Chambers county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Charles H. Phillips, a minor, of the county of Chambers, be, and he is hereby authorized to manage and transact all business connected with his estate, and that all contracts which he shall make after the passage of this act, shall be legal and binding, and as of full effect as though he were twenty-one years of age, and he is hereby fully authorized to settle with his guardian, and receive all property and effects coming to him from his guardian, as fully as though he were twenty-one years of age.

Approved, December 11, 1865.

Distribution of  
minor removed.

No. 399.]

AN ACT

Declaring Hulda Clayton, of DeKalb county, a free dealer.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, Hulda Clayton, of the county of DeKalb, is made and declared a free dealer, and as such shall be capable in law and equity to sue and be sued, plead and be impleaded, contract and be contracted within her own name, and to

Free Dealer.





purchase and hold property, real and personal, in her own name, free from debts, contracts and control of her husband, Joseph Clayton, and the same to sell or otherwise dispose of, and to do all other acts which a *feme sole* may of right do.

Approved, December 14, 1865.

No. 400.]

AN ACT

To compensate John A. Graham, late Auditor of the Treasury.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of one hundred dollars, be, and the same is hereby appropriated to John A. Graham, late auditor of the treasury, for services performed in making a detailed report of amounts due through his office, in pursuance of a resolution of the Senate, and that the comptroller of public accounts is hereby authorized and required to issue his warrant in favor of the said John A. Graham, for the said amount, to be paid out of any moneys in the treasury, not otherwise appropriated. Approved, December 15, 1865.

\$100 appropriated.

No. 401.]

AN ACT

To repeal "An act to amend an act to authorize Seth Love and William Wellborn to erect a wharf on the Chattahoochee river, in the town of Irvington, Barbour county," approved January 1<sup>st</sup>, 1841.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the rights allowed to Seth Love and William Wellborn, to erect a wharf on the Cattahoochee river, in the town of Irvinton, Barbour county, be, and the same are hereby established and allowed until otherwise directed ; that they be authorized to collect, demand and receive of, and from

Repeal.

Rights in lieu. repealed, and the following rights in lieu thereof be es-

the owners or consignees of all goods, wares, or merchandise, cotton or other articles, or articles which may be shipped from, or loaded upon said wharf, at the following rates : For each bale of cotton eight cents, for each four-bushels sack of salt, each three cents, or other articles of like measurement in the same proportion ; for each barrel five cents, for each hogshead or pipe twelve and a half cents ; for each cord of wood twelve and a half cents ; for each thousand feet of lumber thirty-seven and a half cents ; all boxes, packages and merchandise, usually charged by measurement, at the rate of one-half per cent. per foot, and for all steamboats, barges, flats or rafts, to receive and collect a sum not exceeding fifty cents per day, that they may remain at said wharf after having taken in or discharged their cargo.

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Rates of wharfage.

SEC. 2. *Be it further enacted,* That all laws and parts of laws contravening the provisions of this act be, and the same are hereby repealed.

Repeal.

Approved, February 21, 1866.

No. 402.]

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AN ACT

For the relief of he Chartered Companies of Mobile for Insurance.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the president and directors of any one of the companies chartered for the purpose of making insurances, and located in the city of Mobile, shall have power to put the company under their direction and management in liquidation, and to pay the debts of the said corporation, and to distribute their present assets among their stockholders ; Provided, That it shall satisfactorily appear, that the assets of the company of whatever description are not worth twenty per cent. of the capital stock of the company.

Power of president and directors.

Proviso.

SEC. 2. *Be it further enacted,* That the president and directors of the corporation to be liquidated shall have the power to open books for the renewal of the capital of the corporation, and any stockholder shall have the liberty to retain his stock by the payment of the amount that shall be required of him to restore its value to par, or

May open books for renewal.

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 Privileges.

such portion of his stock as he may prefer on the same terms ; or he may receive his distributive share of the assets, as he may elect.

Further powers.

SEC. 3. *Be it further enacted*, That the president and directors shall have full power to open the books of the corporation and take all other necessary measures for the renewal of the capital stock of the corporation in conformity with the principle of the second section of this act.

Notice.

SEC. 4. *Be it further enacted*, That a publication of a notice of thirty days in one of the newspapers published in the city of Mobile shall be a sufficient notice to the stockholders of the decision to liquidate, and of the terms and conditions for the renewal of the corporation, and upon a failure of any stockholder to accept said terms, he shall cease to be a stockholder, and shall be entitled only to his distributive portion of the assets ; Provided, That in all cases said companies be required to settle their liabilities or policies of insurance, or otherwise, before they avail themselves of the provisions of this act.

Proviso.

Approved, January 23, 1866.

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 No. 403.]

AN ACT

For the relief of the Opelika and Tuscumbia Railroad Company.

Charter revived.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the suspension of operations of the Opelika and Tuscumbia Railroad company during the late war, and the failure on the part of said company to hold annual elections of officers of said company and the regular meetings of the stockholders of said railroad, shall not be taken, deemed or held to work a forfeiture of the charter of said company, but that said company shall be, and they are hereby authorized and empowered to proceed and build said road under said charter, which is hereby in all things fully and completely revived and ratified.

Approved, January 23, 1866.

No. 404.]

AN ACT

To compensate John W. Skipper, for feeding prisoners, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts, be, and he is hereby instructed to draw his warrant upon the State treasurer in favor of J. W. Skipper, late sheriff of Dale county, for the sum of fifty-one and ninety-one hundredth dollars, that being the sum due him for feeding prisoners against whom there were no bills found.

\$51-91-100 appropriated.

Approved, February 13, 1866.

No. 405. ]

AN ACT

To declare Mary E. Lawrance, wife of William F. Lawrance, of the county of Chambers, a free-dealer.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Mary E. Lawrance, a married woman, and wife of William F. Lawrance, of the county of Chambers, be, and she is hereby made and declared a free-dealer, and that she be capable of having and holding property, contracting and being contracted with ; to sue in her won name without joining her husband in the said suits, and being sued alone ; and be liable for her act generally, as though she were a *feme sole*, and that she have the same rights and be liable to the same remedies against her as *feme soles* are in this State.

Free dealer.

Rights and liabilities.

Approved, February 13, 1866.

No. 406.]

AN ACT

For the relief the people of Walker county, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act,

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Not required to levy a certain tax.

May levy a tax.

May levy a tax.

No other taxes to be levied. aforementioned.

the commissioners' court of Walker county, shall not be required to levy any tax on the people of said county for the purpose of building a court house during the two ensuing years; any law to the contrary notwithstanding.  
 SEC. 2. *Be it further enacted*, That the commissioners' court of said county are hereby authorized to levy forty-five per cent. on the State tax, exclusively for the purpose of building a jail in said county, and said tax to be continued annually until said jail shall be completed.

SEC. 3. *Be it further enacted*, That said court shall be authorized to levy and have collected a tax of twenty-five per cent. on the State tax, for the purpose of paying the jurors of said county, and for other purposes.

SEC. 4. *Be it further enacted*, That said court shall have no power to levy any other tax than for the purposes

Approved, February 10, 1866.

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No. 407.]

AN ACT

For the belief of the County Commissioners of Greene and Sumter counties.

Allowance per diem mileage and ferriages.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the county commissioners of Greene and Sumter counties, shall be allowed five dollars per day, while holding court, and ten cents per mile traveling to and from the court house, and all ferriages.

Approved, January 26, 1866.

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No. 408.]

AN ACT

To authorize James F. Bailey, late Judge of Probate of Perry county, to bring up and complete his records.

Authorized to bring up and complete records.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That James F. Bailey, late judge of the probate court of Perry county, Alabama, be, and he is hereby authorized to bring up and complete the records of

said probate court during the time that he was judge thereof, and that said records when thus brought up and completed by said Bailey shall be as binding on all parties, and in as full force and effect as though they had been brought up and completed within the time prescribed by law.

Binding.

Approved, January 31, 1866.

No. 409.]

AN ACT

For the relief of William R. Horn, of Sumter county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That William R Horn, a minor, of the county of Sumter, be, and is hereby authorized to manage and transact all business connected with his estate, and all contracts which he shall make, after the passage of this act, shall be as legal and as of full effect as though he were twenty-one years of age ; and he is hereby fully authorized to settle with his guardian, B. E. DuBose, and receive the property coming to him from his guardian, as fully as though he were of age.

Liability on account of minority, removed.

Approved, December 14, 1865.

No. 410.]

AN ACT

For the relief of Mace H. Gilbert, tax assessor of Limestone county.

Whereas the said Mace H. Gilbert as tax assessor for the county of Limestone, for the year 1863, by virtue and authority of his office, and as in duty he was bound to do, did assess the State tax according to law, in said county ; but by reason of the occupation of the county by the federal army, said taxes were not collected, and in consequence of the failure and inability of the tax collector to collect said tax, the assessor aforesaid has never received his commissions for said assessment, or any portion thereof. Therefore-

Preamble

SECTION 1. *Be it enacted by the Senate and House of*

\$399.29 100 ap-  
propriated.

*Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be, and he is hereby authorized and required to draw his warrant upon the treasurer of the State in favor of Mace H. Gilbert, tax assessor for Limestone county, for three hundred and ninety-nine dollars and twenty-nine cents, (\$399.29-100) being the sum due him for assessing the State taxes for Limestone county for the year 1863, out of any money in the State treasury, not otherwise appropriated.  
Approved, January 31, 1866.

No. 411.] AN ACT

For the relief of Richard H. Oakley, of Bibb county.

Lawful to  
give bond.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be lawful for the said Richard H. Oakley to execute his official bond, conditioned and approved as now required by law, and to be as valid and binding as if the same had been filed within the time prescribed by the Code of Alabama, any law to the contrary notwithstanding.  
Approved, December 15, 1865.

No. 412.] AN ACT

For the relief of George N. Tippens.

Disabilities on  
account of mi- he is hereby authorized to sue and be sued, contract and  
nority, remov-  
ed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That George N. Tippens of Conecuh county, in said State, notwithstanding his minority, be, and he is hereby authorized to sue and be sued, contract and be contacted with, to receive and take possession of his estate, and if necessary, give receipts and acquittances therefor ; to purchase and convey real or personal estate, and to do all things as fully and to all intents and purposes, as effectually as though he were twenty-one years of age.  
Approved, December 14, 1865.



No. 413.]

AN ACT

For the relief of John S. Brown, of Autauga county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That John S. Brown of the county of Autauga, be and he is hereby released from the disabilities of non-age, so as to authorized him to sue and be sued, plead and be impleaded, contract and be contracted with, hold and sell real estate, and that all contracts made by the said John S. Brown be as effectual and binding upon him as if he were of full age, and that the said John S. Brown is hereby authorized to exercise all the privileges and rights of an adult, except the right to vote, and he shall be subject to all liabilities and duties of an adult, notwithstanding his non-age.

Disabilities by minority.

Approved, February 13, 1866.

No. 414.]

AN ACT

To make Jane P. Lyon, of Monroe county, a free dealer.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, Jane P. Lyon, the wife of John Lyon, of the county of Monroe, shall be capable in law of taking and holding by purchase, gift, or inheritance, any property, real or personal, in the same manner and to the same extent that a *feme sole* may do, and the property so hereafter to be obtained shall be free from liabilities for or on account of the debts of her said husband.

Free dealer.

SEC. 2. *Be it further enacted,* That the said Jane P. Lyon shall be allowed to hold in like manner, free from the debts of her husband aforesaid, all and any property which she may accumulate hereafter by her own care an industry.

Rights.

Approved, February 13, 1866.

No. 415.]

AN ACT

To declare Eliza Garrison, of Montgomery county, a free dealer.

Free Dealer.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Eliza Garrison, of Montgomery county, be and is hereby declared a free dealer, notwithstanding her marriage ; to sue and be sued, contract and be contracted with, and have and hold property, and convey the same in the same manner as if she was a *feme sole*.  
Approved, February 10, 1866.

No. 416.]

AN ACT

To declare William M. Graves a liner between the counties of Chambers and Tallapoosa, a citizen of Chambers county, and to change the county line between said counties.

A citizen of  
Chambers Co.Change of  
county lines.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That William M. Graves, a liner between the counties of Chambers and Tallapoosa, be and he is hereby declared a citizen of the county of Chambers, and that the line between the said counties of Chambers and Tallapoosa be so altered and changed as to embrace and include in the county of Chambers the following lands, to-wit: the north half of the south east quarter, and the north east quarter of section thirteen, in township twenty, of range twenty-four, east in the Tallapoosa land district.  
Approved, February 10, 1866.

No. 417.]

AN ACT

For the relief of certain Officers of the county of Autauga.

SECTION 1. *Be it enacted by the Senate and House of*

*Representatives of the State of Alabama in General Assembly convened,* That the commissioners' court of Autauga county be authorized to give orders or warrants on the treasurer of said county to pay for the necessary fuel used in the offices of the probate judge, circuit clerk and sheriff of said county.

Approved, February 8, 1866.

Pay for fuel.

No. 418.]

AN ACT

For the relief of John W. Kemp and Robert W. Kemp.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That John Washington Kemp and Robert W. Kemp, of Choctaw county, notwithstanding their minority, be and are hereby authorized to sue and be sued, contract and be contracted with, to receive and take possession of their estates, and, if necessary, give receipts and acquittances therefor, to purchase and convey real or personal estate, and to do all things as fully and to all intents purposes as effectually as though they were each twenty-one years of age.

Approved, February 5, 1866.

Disability on account of minority removed.

No. 419.]

AN ACT

For the relief of John F. Elliot, of Monroe county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That John F. Elliot, of the county of Monroe, be and he is hereby authorized to marry again, notwithstanding a decree of divorce rendered against him in favor of F. A. Elliott, by the chancery court of said county.

Approved, January 31, 1866.

Authorized to marry again.

No. 420.]

AN ACT

To authorize the Probate Court of Morgan county to order the private sale of certain lands therein named.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the probate judge of the county of Morgan is hereby authorized and empowered to order the sale of the lands of the estate of Stuart Brown, deceased, of said county, at private sale, if in his judgment the interest of the estate will be promoted thereby.

Approved, February 5, 1866.

May order private sale.

No. 421.]

AN ACT

For the relief of the administrators of the estate of Origen Sibley, deceased, late of Baldwin county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Origen Sibley, administrator, and S. E. King, administratrix of the estate of Origen Sibley, deceased, late of the county of Baldwin, be and they are hereby authorized to use such of the assets of the estate as may be necessary to continue in operation the saw mill in said county of Baldwin belonging to said estate, and to continue the business of sawing and selling lumber the benefit of said estate.

SEC. 2. *Be it further enacted,* That it shall be lawful for said administrators to lease the lands of said estate for a period not exceeding five years, giving authority to the lessees of the same to cut logs and other timber for said mill purposes ; Provided, that before making such lease for any term exceeding one year, the said administrators shall first apply for and obtain an order and decree of the probate court of Baldwin county, approving and directing the same, which order said court is hereby authorized to make upon satisfactory proof that the same would be beneficial to said estate.

Approved, January 31, 1866.

Authorized to use assets in a certain way.

Authorized to lease lands.

Proviso.

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No. 422.]

AN ACT

For the relief of A. Wax, of Marion county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter A. Wax, wife of George Wax, of Marion county, be authorized to make contracts, and acquire and hold property, and deal generally in her own name, as if she were sole and unmarried.

Free dealer.

SEC. 2. *Be it further enacted,* That all property acquired by her under the provisions of this act shall be held by her for her sole and separate use, from the control of her said husband, and not liable in any manner for his debts, contracts or engagements, either present or future.

Property held for her separate use.

SEC. 3. *Be it further enacted,* That upon all contract made by said A. Wax, she may sue or be sued, contract or be contracted with, as if she were sole and unmarried, without joining her said husband with her in such suits, and that she may maintain actions in her own name alone to receive property acquired by her under this act, or for injuries done to such property, and that she may also be sued and made liable in her own name alone for injuries done by her to the property of other persons, and be liable to all intents and purposes as a free dealer in law and in fact.

Rights and responsibilities as a free dealer.

Approved, February 10, 1866.

No. 423.]

AN ACT

To authorize John R. Hubbard, guardian of Thomas, Mahala, and Henry Byrd, to dispose of a certain tract of land therein named.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That whereas Charles Byrd, late of Russell county, deceased, left a will bequeathing to his wife Amelia a certain tract to land, to-wit : a portion of the east half of section seven, containing one hundred and sixty acres, to be her absolute property during her life, and at her death to be divided among the said Charles Byrd's



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Authorized to  
lay of into lots said land  
&c.  
May sell.

children or their heirs. Said tract is situated in or near the town of Opelika. Now the said guardian, John R. Hubbard, shall be, and he is hereby authorized to lay off land into town lots and streets, and to sell and dispose of said lots with the rights of way over said streets, either at public or private sale, as he may deem most beneficial to the owners of said land, and to make such terms and stipulations as he may deem advantageous to the said owners, provided, that the said John R. Hubbard before selling said land obtain the written consent of the widow of the said Charles Byrd, and such of his legatees as may have become of age.

Proviso.

Manner of investing proceeds.

SEC. 2. *Be it further enacted*, That the said John R. Hubbard be, and he is hereby empowered to invest any amount of the proceeds of the land above described, not exceeding one-half, in an homestead for the said widow, to be held by her in the same manner as the tract of land first above mentioned is held, and that the said guardian be authorized to pay over to such legatees as may be of age their distributive shares of the net proceeds of said sale, remaining in John R. Hubbard's hands after making the purchase above mentioned for the widow.  
Approved, January 31, 1866.

No. 424.]

AN ACT

For the relief of Margaret L. Estes and Niceny Estes, and their sureties.

Rescinding a contract for sale of land.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sale of the north-east quarter of section sixteen of township twenty-two, or range two, east, in Greene county, made by the trustees of said township on the 26<sup>th</sup> day of November, A. D. 1859, to Margaret L. Estes, and Niceny Estes, be and the same is hereby rescinded, and the notes executed for the purchase money of said land are hereby required to be cancelled, or delivered up to the said Margaret L. Estes, and Niceny Estes by the superintendent of education, or by the trustees of said township, whichever may have possession of said notes, and the said parties and their sureties are

hereby relieved from all further liability on account of said sale.

Approved, December 11, 1865.

No. 425.]

AN ACT

For the relief of Samuel W. Hutchinson.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of one hundred and sixty-nine dollars be, and the same is hereby appropriated to pay Samuel W. Hutchinson for necessary chairs and sofa for the Senate chamber, and that the comptroller be, and he is hereby authorized and directed to draw his warrant on the treasurer in favor of said Samuel W. Hutchinson for the sum of one hundred and sixty-nine dollars, to be paid to him out of any money not otherwise appropriated.

\$169 appro-

Approved, December 15, 1865.

No. 426.]

AN ACT

For the relief of W. B. & A. R. Bell & Co.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Comptroller of Public Account be, and he is hereby authorized and required to draw his warrant on the State Treasurer for the sum of five hundred and seventy and 50-100 dollars in favor of W. B. & A. R. Bell & Co., of Montgomery, for articles purchased of them for the use of the State.

\$570 appropriated.

Approved, January 26, 1866.

No. 427.]

AN ACT

For the relief of Elizabeth Allen, of Montgomery county.

SECTION 1. *Be it enacted by the Senate and House of*



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Free dealer.

*Representatives of the State of Alabama in General Assembly convened,* That Mrs. Elizabeth allen, wife of John Allen, of the county of Montgomery and State of Alabama, be, and she is hereby made capable of suing and being sued, to plead and be impleaded in the courts of this State, and to sue, and sell, and hold real and personal property and the proceeds of her labor and earnings as fully and completely as though she was single and unmarried ; and she shall be subject to all the liabilities and have all the rights and privileges of a *feme sole*, notwithstanding her said marriage.  
 Approved, February 20, 1866.

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No. 428.]                      AN ACT

For the relief of Ann C. Stribbling, of the county of Washington, and to legalize her marriage with Powell B. Johnston.

Marriage legalized.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the marriage of Ann C. Stribbling and Powell B. Johnston, of the county of Washington, be, and the same is hereby legalized and made valid, and the said Ann C. Stribbling is hereby relieved from the pains and penalties imposed by law upon persons against whom divorces have been decreed and who have married a second time after the granting of such decree.  
 Approved, February 20, 1866.

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No. 429.]                      AN ACT

For the relief of P. H. Brittan, late Secretary of State.

\$550 appropriated.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of five hundred and fifty dollars be, and the same is hereby appropriated to pay the the salary due from the State to P. H. Brittan, as Secretary of State of the State of Alabama, it being the amount due him as salary from the 31<sup>st</sup> day of March to 30th

June, 1865, and that the Comptroller be, and he is hereby authorized and required to draw his warrant on the Treasurer of the State of Alabama for the payment of the same.

Approved, December 15, 1865.

No. 430.]

AN ACT

To legalize the marriage of J. W. Carter and Martha L. Chapman, of Madison county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the marriage J. W. Carter and Martha L. Chapman be, and the same is hereby legalized, and shall have the same effect in all respects as if they had been lawfully married.

Marriage legalized.

Approved, February 20, 1866.

No. 431.]

AN ACT

For the relief of William B. Calhoun, of the county of Russell.

Disabilities on account of minority removed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That William B. Calhoun, of Russell county, in said State, notwithstanding his minority, be, and he is hereby authorized to sue and be sued, contract and be contracted with, to receive and take possession of his estate, and if necessary, give receipts and acquittances therefor, to purchase and convey real estate or personal property, and to do all things as fully and to all intents and purposes as effectually as though he were twenty-one years of age.

Approved, January 26, 1866.

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No. 432.] AN ACT

To make Eliza Walton, of Wilcox county, a free dealer.

Free dealer.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Eliza Walton, the wife of Enoch Walton, of Wilcox county, be, and she is hereby declared a free dealer, to sue and be sued, plead and be impleaded, buy, sell, hold and convey all property that may hereafter come into her possession, by purchase, legacy, or otherwise, and shall not be held accountable for her said husband's debts, but shall be free to manage her own affairs as full as if she wan an unmarried woman or a *feme sole*.

Approved, February 20, 1866.

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No. 433.] AN ACT

For the relief of Frances E. Hooks, as administratrix of the estate of T. J. Hooks, deceased, of Pike county.

Acts ratified  
and confirmed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the acts of Mrs. Frances E. Hooks, as administratrix of the estate of her deceased husband, Thomas J. Hooks, late of pike county, deceased, in settling and compromising with John R. Munn a debt or demand which he held, or claimed to hold against the estate of said decedent, and delivering to the said Munn, in satisfaction and discharge of certain notes which he held against said estate, certain property belonging to said estate, be, and the same are hereby ratified and confirmed, and made valid and effectual, to all intents and purposes, both at law and in equity.

Approved, December 15, 1865.

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No. 434.]

AN ACT

For the relief of the widow and heirs at law of the late  
D. Henry McKenzie, of Talladega county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be lawful for Mrs. Amanda McKenzie, as administratrix of the estate of said Henry McKenzie, to rent at public outcry to the highest bidder, or by private contract, any portion or all of the real estate belonging to said estate, for the purpose of quarrying marble and lithographic stone, for a period not exceeding ten years, on such terms as she may deem best for the estate : Provided, Nothing herein contained shall be so construed as to interfere with the rights of creditors of said estate to collect their demands according to law.

Right to rent  
real estate.

Proviso.

Approved, December 15, 1865.

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No. 435.]

AN ACT

In relation to the real estate of John McCrary.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be lawful for the probate court of Pike county to authorize Louisa McCrary, as the personal representative of the estate of John McCrary, deceased, late of said county of Pike, on the bearing of an application properly filed by her in said county for the sale of the real estate of said decedent in said county, to sell such real estate at private instead of public sale, if it shall be proved to the satisfaction of the court, that the parties in interest will not be prejudiced thereby ; but the proceedings of the court, on such application, and the action of the said representative of said estate, must conform in all other respects to the laws now in force, which regulate the proceedings of courts of probate in relation to the sale of lands of intestates in such cases, it being the intention of this act to enlarge the powers of said court of probate of Rike county, so far only as to authorize it to grant the present representative of said

Enlarging  
powers of pro-  
bate judge.

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estate to sell the real estate thereof at private, instead of public sale.

Approved, February 22, 1866.

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No. 436.]

AN ACT

For the relief of Enoch Downing, of Montgomery county.

Relieved of disabilities on account of non-age.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Enoch Downing, of the county of Montgomery be, and he is hereby relieved from the disabilities of non-age, so as to authorize him to make settlement with, and to receive from his wife's guardian all her property in the same manner and to the same extent as though he was of full age ; and his guardian is hereby authorized and fully empowered to settle with and deliver to the said Downing all his property, and the settlement and receipts of he said Downing shall be as effectual as if he was of full age, and the said Enoch Downing is hereby authorized to exercise all the privileges and rights of an adult, except the right to vote ; and he shall be subject to all the liabilities and duties of an adult, notwithstanding his non-age.

Approved, February 20, 1866.

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No. 437.]

AN ACT

For the relief of W. S. Barton.

\$66 50 appropriated.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Comptroller of Public Accounts be authorized to draw his warrant on the State treasurer in favor of W. S. Barton, of Montgomery, for the sum of sixty-six dollars and fifty cents, to be paid out of any money in the treasury not otherwise appropriated.

Approved, February 21, 1866.

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No. 438.] AN ACT

To legalize the marriage of John P. Logan and Martha A. Smith, residents of Macon county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the marriage of John P. Logan and Martha A. Smith, both residents of Macon county, in this State, heretofore solemnized, be, and the same is hereby legalized and declared to be valid and binding from the date of solemnization ; and that said parties shall enjoy all the rights of the martial state, and be subject to all liabilities to which man and wife are made amenable by the laws of the State.

Marriage legalized.

Approved, December 14, 1865.

No. 439.] AN ACT

To extend the indebtedness of the Montgomery and Eufaula Railroad Company to the State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the governor of the State, be, and he is hereby authorized and required to extend, for the term of five years from the 16<sup>th</sup> of May, 1865, the indebtedness of the Montgomery and Eufaula railroad company, on the same terms as to interest ; Provided, That the sureties to the present contract shall give their written assent to this extension.

Governor to extend.

Proviso.

SEC. 2. *Be it further enacted,* That in making said extension, the governor shall require a mortgage on the road and all the property of the company, but shall permit the company to make a first mortgage to secure the payment of four hundred thousand dollars to secure iron and rolling stock for said road, and shall further require said company in the contract of extension to obligate itself to appropriate the sum so borrowed, to the purchase of iron and rolling stock, to be places on said road ; Provided, further, That the interest now due to the State for the loan to said company, shall be first paid ; And, provided further, That said extension shall

Mortgage required.

Disposition of first mortgage.

Proviso.

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Further proviso.

True intent and meaning.

not be granted until the Mountain railroad contracting company shall assent to said extension ; Provided, further, That nothing herein contained, shall be construed or held to admit or deny the right of the Mountain railroad contracting company to any portion of the fund or debt herein provided to be extended. It being the true intent and meaning of this act, to provide for the extension of the debt due by the Montgomery and Eufaula railroad company, without deciding thereby the question of the justice of the claim of the Mountain railroad contracting company, or any other company claiming said fund, under the provisions of any existing law of this State.

Approved, February 17, 1866.

No. 440.] AN ACT

For the relief of Susan Wilson.

May marry again.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be lawful for Susan Wilson to marry again, notwithstanding her former husband, George Wilson has been divorced from her, and is still living.

Approved, February 21, 1866.

No. 441.] AN ACT

To make Samuel S. Cornwell, a liner between Conecuh and Monroe counties, a citizen of Monroe county.

Declared a citizen of Monroe county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Samuel S. Cornwell, who resides on the line between Conecuh and Monroe counties, be, and he is hereby declared to be a citizen of Monroe county, and liable to perform all the duties, and is entitled to all the privileges of a citizen of Monroe county ; any law, usage, or custom to the contrary notwithstanding; and

the county boundary of the said county of Monroe, is hereby so far changed as to embrace the residence of the said Samuel S. Cornwell.

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Change of boundaries.

Approved, December 11, 1865.

No. 442.] AN ACT

For the relief of Pyramus C. Winn of the county of Perry, and to permit him to marry.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in the event Pyramus C. Winn, of the county of Perry, shall marry hereafter, he shall not by so doing, incur any of the pains and penalties of the law for bigamy, and such marriage shall be, in all respects valid, notwithstanding any previous marriage by him contracted.

Marriage legalized.

Approved, February 24, 1866.

No. 443.] AN ACT

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, Mary C. Campbell, wife of Peter Campbell, of the county of Dallas, be, and she is hereby declared a free dealer, to all intents and purposes, and entitled to have and to hold the property she may hereafter acquire by purchase, gift, inheritance or otherwise.

Free dealer.

SEC. 2. *Be it further enacted,* That the said Mary C. Campbell shall have full power to sue and be sued, plead and be impleaded, and to exercise all rights and privileges, as if she were a *feme sole* ; any law to the contrary notwithstanding.

Rights.

Approved, December 14, 1865.



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No. 444.] AN ACT

To authorize the Secretary of State to issue a patent to Green M. Haley, of Marion county, for certain lands therein described.

Secretary of  
State to issue  
patent.

Proviso.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the secretary of State, be, and he is hereby authorized to issue a patent to Green M. Haley, of Marion county, for the lands embraced in the sixteenth section of township eleven, range eleven, of said county ; Provided, however, That said Haley shall first adduce satisfactory proof, by the affidavit of disinterested persons, or otherwise, that said lands were sold by the trustees of the township according to law, that the sale was conducted fairly and legally, and that he was the highest and best bidder at the sale, and that he has paid the entire purchase money, according to the terms of the sale.

Approved, December 14, 1865.

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No. 445.] AN ACT

To authorize the renting of the lands of Charles Mitchell, a minor, by private contract.

Authorized to  
lease, &c.

Proviso.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the guardian of Charles Mitchell, a minor, shall have power and authority to lease the lands of said minor, for a term not exceeding five years, and to make contracts for the sale of the timbers, trees and wood upon said land ; Provided, That said lease and contracts shall be reported to the judge of probate of Clark county, by such guardian, and shall have no free validity until confirmed by the said judge of probate.

Approved, February 21, 1866.

No. 446.] AN ACT

For the relief of Madison B. Camps and Eliza J. Hatfield, of Calhoun county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the marriage heretofore solemnized between Madison B. Camps and Eliza J. Hatfield, of the county of Calhoun, be and the same is hereby declared legal and valid from the date of marriage.

Marriage legalized.

SEC. *Be it further enacted,* That the said Madison B. Camps and Eliza J. Hatfield, be and they are hereby relieved from all the pains and penalties imposed by the violation of section 3231 and 3232 of the code of Alabama.

Relieved from penalties.

Approved, February 20, 1866.

No. 447.] AN ACT

For the relief of Daniel A. Long, of Talladega county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Daniel A. Long, of the county of Talladega, be and he is hereby relieved from all the pains and penalties heretofore incurred by the violation of sections 3268, 3269, and 3270, of the code Alabama.

Relief from penalties.

Approved, February 20, 1866.

No. 448.] AN ACT

To authorize Catherine Hugs, as administratrix of the estate of Joseph Hugs, late of Cherokee county, deceased, to keep the estate of her said husband, together with power to sell the personal effects at public or private sale, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Catherine Hughs, widow of Joseph

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 May keep es-  
 tate together,  
 or may sell per-  
 sonalty, &c.

Hughs, late of Cherokee county, to whom administration on the estate of her said husband has been granted, be and she is hereby authorized to keep said estate together for the term of ten years ; that she is authorized to sell such of the personal estate from time to time as in her opinion may be for the interest of said estate, at public or private sale, and invest the same in other species of property, or to loan the money at interest, taking notes well secured, payable to her as administratrix aforesaid, making due returns to the court of probate of said county of such sales and investments.

May cultivate  
 or rent.

SEC. *Be it further enacted*, That the said administratrix be and she is hereby authorized to cultivate the plantation of her said husband, by the employment of such labor as she may deem necessary for that purpose, so long as the same can be worked to profit to the estate, or she may rent the same at public or private letting for either a money rent or for portion of the crop, s she

Disposition of  
 proceeds.

may deem best for the interest of the estate. From the proceeds of the said plantation she is authorized to defray the expenses of the family, and to pay for the education of the children of said deceased husband and herself, keeping a just account of the same ; Provided, that no child must be chargeable for any payments for clothing or education who shall assist in carrying on the said plantation, or aid in the support of the family.

Proviso.

Distribution.

SEC. 3. *Be it further enacted*, That should any of the said children arrive at the age of twenty-one years, or marry before the expiration of the said ten years, and may desire to receive their *pro rata* distribution of said estate, the same may be set apart in the manner now prescribed by law for the distribution of estates.

May resign.

SEC. 4. *Be it further enacted*, That nothing herein contained shall be so construed as to prevent the said administratrix from resigning the said administration, or to prohibit her sureties from requiring her to give additional or other security as they at any time may see proper, as is authorized by law, and shall may be required to make partial settlements with the court of probate whenever required by any party in interest, and nothing herein contained is to be so construed as hindering or delaying creditors of their legal remedies against said estate.

Additional se-  
 curity.

Partial settle-  
 ments.

Creditors has  
 to be hindered  
 or delayed.

Approved, February 20, 1866.

No. 449.]

AN ACT

To release the right of the State to escheat the estate of Harriet Stokes, deceased, late of Madison county, in favor of Wolsey White.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the State of Alabama hereby releases and relinquishes all rights to escheat the estate of Mrs. Harriet Stokes, late of Madison county, deceased, in favor of Wolsey White, of said county.  
Approved, February 20, 1866.

Release of escheat.

No. 450.]

AN ACT

For the relief of Henderson Shoof.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the line between the counties of Perry and Marengo be and the same is hereby changed so as include the residence of Henderson Shoof, in the county of Marengo.  
Approved, February 20, 1866.

Residence in Marengo Co.

No. 451.]

AN ACT

Relating to the administration of the estate of William McDowell, deceased.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the court of probate for the county of Mobile have authority to take jurisdiction of the administration of the estate of William McDowell, deceased, late of the county of Madison, to grant letters of administration thereon, and to do and perform all things necessary or proper to cause to estate of said deceased to be settled and distributed in accordance with the laws of this State, as fully and effectually as if said deceased had

Probate Court of Mobile to take jurisdiction.

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 been a resident citizen at the time of his death of the  
 said county of Mobile.

Approved, January 16, 1866.

No. 452.]

AN ACT

To authorize Catherine B. Winston, administratrix of the  
 estate of Isaac Winston, deceased, late of Franklin  
 county, to sell certain property.

Authorized to  
 sell personal  
 property.

SECTION 1. *Be it enacted by the Senate and House of  
 Representatives of the State of Alabama in General Assem-  
 bly convened*, That Catherine B. Winston, administratrix  
 of the estate of Isaac Winston, late of Franklin county,  
 be and she is hereby authorized to sell the personal prop-  
 erty belonging to said estate, in the county of Sumter,  
 in this State, at public or private sale, and under such no-  
 tice as she may deem most advantageous to the interest  
 of said estate ; Provided, said administratrix shall make  
 returns of said sale under oath within sixty days after the  
 date thereof.

Approved, January 18, 1866.

No. 453.]

AN ACT

For the relief of Elizabeth *alias* Eliza Pizzala.

Titles vested.

SECTION 1. *Be it enacted by the Senate and House of  
 Representatives of the State of Alabama in General Assem-  
 bly convened*, That all the right, title and interest which  
 the State of Alabama now has, or may hereafter acquire  
 in the following described property by reason of the alien-  
 age of any past or present purchaser, shall vest in said  
 Elizabeth *alias* Eliza Pizzala, her heirs and assigns, viz :  
 two lots in the city of Montgomery, in said State, one  
 heretofore conveyed by Augustus Pope and wife, to said  
 Eliza, and another heretofore conveyed to said Elizabeth  
 by Lewis J. Cahn and wife.

Approved, February 20, 1866.

No. 454.] AN ACT

For the relief of Samuel D. Williams, of the county of Jefferson.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Samuel D. Williams, of Jefferson county, in said State, notwithstanding his minority, be, and he is hereby authorized to sue and be sued, contract and be contracted with, to receive and take possession of his estate, and, if necessary, give receipts and acquittances therefor, to purchase and convey real estate or personal property, and to do all things as fully, and to all intents and purposes as effectually, as though he were twenty-one years of age.

Disability on account of minority removed.

Approved, February 5, 1866.

No. 455.] AN ACT

For the relief of Moses C. Newman, of DeKalb county, requiring the Governor to cause a patent to be issued.

SECTION 1. *Be it enacted by the Senate and Hose of Representatives of the State of Alabama in General Assembly convened,* That the Governor of the State be, and he is hereby authorized and required to cause to be issued to Moses C. Newman, of DeKalb county, a patent to the south-east quarter of the south-west quarter of the sixteenth section, township nine and range seven, in DeKalb county, on said Newman producing evidence satisfactory that he has paid for said tract of land, and is entitled to the patent.

Governor to issue patent.

Approved, January 18, 1866.

No. 456. AN ACT

For the relief of Eleanor Stanton.

SECTION 1. *Be it enacted by the Senate and House of*

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Free dealer.

*Representatives of the State of Alabama in General assembly convened,* That hereafter Eleanor Stanton, the wife of C. A. Stanton, of Macon county, be authorized to make contracts, and acquire and hold property, and deal generally in her own name as if she was sole and unmarried.

May hold property for sole and separate use.

SEC. 2. *Be it further enacted,* That all property acquired by her under the provisions of this act, shall be held by her for her sole and separate use, free from the control of her said husband, and not liable in any manner for his debts, contracts, or engagements, either present or future.

May sue and be sued.

SEC. 3. *Be it further enacted,* That upon all contracts made by the said Eleanor Stanton, she may sue or be sued as if she was sole and unmarried, without joining her said husband with her in such suits, and that she may maintain suites in her own name alone to recover property acquired by her under this act, or for injuries done to such property, and that she may also be sued and made liable in her own name alone for injuries done by her to the property of other persons.

Approved, January 26, 1866.

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 No. 457.]

AN ACT

To constitute Mary A. King a free dealer.

Free dealer.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Mary a. King, wife of Paul King, of the county of Lawrence, be, and she is hereby declared a free dealer, and as such shall have the right to sue and be sued, contract and be contracted with, plead and be impleaded, in all the courts of law and equity in this State, acquire and hold property in her own name and right, free from the management and control of her said husband, and generally to do and perform any and all acts that she may think proper, as fully and completely as if she were a *feme sole*.

Approved, February 20, 1866.

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No. 458.] AN ACT

For the relief of Thomas Carter, sheriff of Clarke county.

Whereas the expenses of Thomas Carter, sheriff of Clarke county, and his guard in carrying Joseph J. Overstreet, a convict, to the penitentiary at Wetumpka from the jail of said county, in October last, were sixty-five dollars and thirteen cents more than was paid him for the service by the State; therefore

Preamble.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be and he is hereby authorized and required to draw his warrant on the treasurer in favor of Thomas Carter, sheriff of Clarke county, for the sum of sixty-five dollars and thirteen cents, to be paid out of any money that now is or may hereafter be in the treasury not otherwise appropriated.

\$65 13 appropriated.

Approved, January 18, 1866.

No. 459.] AN ACT

To declare Caroline Moore a free dealer.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Caroline Moore, wife of William A. Moore, a citizen of the county of Montgomery, be, and she is hereby made and declared a free dealer, and that she shall be allowed to contract and be contracted with, sue and be sued, and have and do all things, and be liable for all her acts the same as if she was *feme sole*, notwithstanding her said marriage.

Free dealer.

Approved, February 20, 1866.

No. 460.] AN ACT

For the relief of David Downey, of Jefferson county.

SECTION 1. *Be it enacted by the Senate and House of*



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May marry again.

*Representatives of the of Alabama in General Assembly convened,* That David Downey, of the county of Jefferson, be relieved for the impediment of marriage by reason of his wife being divorced from him, and that he be permitted to marry again without subjecting himself to any penalty of the laws of the State of Alabama.  
Approved, January 18, 1866.

No. 461]

AN ACT

To authorize Minerva A. Carroll, administratrix of the estate of Thomas Henisee, to remove the administration of said estate to the county of Tuscaloosa.

Removal of administration.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Mrs. Minerva A. Carroll, (late Minerva A. Henisee, and administratrix on the estate of her former husband, Thomas Henisee, from late of the county of Marengo,) be authorized to remove the administration of the estate of said Thomas Henisee, from the county of Marengo to the county of Tuscaloosa, provided the said Minerva A. Carroll shall first settle with the probate court of Marengo county, her administration of said estate in said county; and provided, further, that the securities of said Minerva A. Carroll shall file their consent in writing with the judge of probate of Marengo county.

Proviso.

Papers to be transmitted.

SEC. 2. *Be it further enacted,* That the judge of probate of Marengo county shall be required to transmit to the judge of probate of Tuscaloosa county all the original papers and a transcript of all the records appertaining to said estate, and the judge of probate of Tuscaloosa county shall thereby acquire full jurisdiction over the administration of said estate.

Approved, January 18, 1866.

No. 462.] AN ACT

For the relief of Daniel L. Logan and Martha Musgroves.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Daniel L. Logan and Martha Musgroves, of the county of Marion, be, and that are hereby released from the pains and penalties imposed by sections 3231 and 3232 of the code, for any violation of said sections with each other.

Release from penalties.

Approved, February 20, 1866.

No. 463.] AN ACT

For the relief of David R. Fletcher and Sarah M. Harless, of Marshall county, and Thomas B. McKissack and R. Teal, of Russell county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That David R., Fletcher and Sarah M. Harless of the county of Marshall, and Thomas B. McKissack and R. Teal of Russell county, be, and they are hereby relieved from the pains and penalties imposed by sections 3231 and 3232 of the code, for any violations of said sections with each other.

Relived from penalties.

Approved, February 20, 1866.

No. 464.] AN ACT

To declare Margaret Corr, of Pike county, a free dealer.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Margaret Coor, wife of Calvin Corr, of Pike county, be, and is hereby declared a free dealer, with all the rights and privileges of a *feme sole* in law and equity.

Free dealer.

Approved, February 20, 1866.

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No. 465.]

AN ACT

To authorize and empower the Memphis and Charleston Rail Road Company to raise money to repair said Rail Road.

SECTION 1. *Be it enacted by the Senate and House of representatives of the State of Alabama in General Assembly convened,* That they Memphis and Charleston Railroad Company, be, and they are hereby authorized and empowered to raise funds to fully repair and equip their road and rebuild their bridges, buildings, &c., and stocking said road with everything necessary to give its full and free operation. The board of directors of said company be, and they are hereby authorized to issue the income bonds of said company, or the preferred stock of said company to an amount necessary to fully repair and equip said road or aid said company in meeting its present liabilities, not in the aggregate to exceed one million of dollars.

Authorized to raise funds.

Authorized to issue bonds.

May issue bonds, and pledge income.

Proviso.

SEC. 2. *Be it further enacted,* That the board of directors shall, in their discretion, from time to time issue said bonds or stock, and may fix the terms and conditions upon which they may be issued, and may pledge the income of the road, or such part thereof as they may deem proper ; the terms, time and place of payment of said bonds, or the conditions under which said stock, if issued, to be fixed by the board of directors of said company ; Provided, nothing in this act shall give said board any right to issue bonds or stock, or give any pledge of the income of the road that will, in any manner, interfere with or impair the rights or liens that the State of Alabama now has or may hereafter acquire for the payment of bonds or interest due from said company, under the internal improvement law of this State, or any amendment thereto.

Approved, February 22, 1866.

No. 466.] AN ACT

For the relief of the Fire Department of the city of  
Mobile.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an annual tax of one hundred dollars, is hereby levied on each insurance company, and each agency of an insurance company having an office or doing business in the city of Mobile, for the support of the fire department of said city ; such levy or assessment to be subject to the order of the chief engineer of said department, and payable on demand the 1<sup>st</sup> day of May, 1866, and on the 1<sup>st</sup> day of May thereafter of each succeeding year ; Provided, that this act shall not be so construed as to be retroactive, but the payments provided for shall operate as advance payments on the year following the date of the same.

\$100 00 tax  
levied.

Proviso.

Approved, February 23, 1866.

No. 467.] AN ACT

For the relief of Augustus C. Finlay, of the county of  
Chambers.

SECTION 1. *Be it enacted by the Senate of House of Representatives of the State of Alabama in General Assembly convened,* That Augustus C. Finlay, of the county of Chambers, a minor, be ,and he is hereby authorized to manage and transact all business connected with his estate, and that all contracts which he shall make after the passage of this act, shall be legal, and of as full effect as though he were twenty-one years of age, and he is hereby fully authorized to settle with his guardian, and to receive the property and effect coming to him from his guardian, as fully as though he were twenty-one years of age.

Liability on

account of mi-  
nority, remov-  
ed.

Approved, December 11, 1865.

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No. 468.] AN ACT

For the relief of Rebecca Carson, of Bibb county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts, be, and is hereby authorized and required to draw his warrant on the treasurer in favor of E. H. Moren, as the agent of Mrs. Rebecca Carson, for the sum of one hundred and ten ninety-five one hundredth dollars, to be paid out of any money in the treasury not otherwise appropriated.

\$110.95-100 appropriated.

Approved, February 22, 1866.

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No. 469.] AN ACT

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Rosina Beck, the wife of Samuel Beck, of the county of Mobile, be, and she is hereby declared to be a free dealer, and to be capable in law, of suing and being sued, contracting and being contracted with, and of acquiring, holding and conveying property, as if she were a single woman.

Free dealer.

Approved, February 21, 1866.

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No. 470.] AN ACT

For the relief of Margaret A. Hopkins, of Fayette county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Margaret A. Hopkins of Fayette county, be, and she is hereby made a free dealer ; she shall have power to sue and be sued, contract and be contracted with, the same as if she had never been married and was a *feme sole*.

Free dealer.

SEC. 2. *Be it further enacted*, That all contracts by her made and receipts given shall be binding in law.

Contracts binding.

Approved, February 20, 1866.

No. 471]

AN ACT

Directing the delivery to the Western Railroad Company, of a certain bond given by the Alabama and Mississippi Rivers railroad company to the State of Alabama, for a part of the two per cent fund.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That upon the execution of a bond by the Western railroad company with the Montgomery and West Point railroad company as security, conditioned for the completion of said Western railroad, from the city of Montgomery to a point on the Alabama rive, opposite the town of Selma, by the first day of July, 1868, the governor of the State of Alabama is hereby authorized and directed to deliver to said Western railroad company, the bond of the Alabama and Mississippi Rivers railroad company, provided to be delivered to said Western railroad company, under the 5<sup>th</sup> section of an act entitled "An act to re-invest a portion of the two per cent. funds," approved 24<sup>th</sup> February , 1860 ; Provided, That said Western railroad shall be entitled to all the benefits of the said fifth section if they complete and put in operation said road by the first day of July, 1868, and if not then the principal of said fund shall be returned to the State ; Provided, further, That the Western railroad company shall be compelled at the option of the Alabama and Mississippi Rivers railroad company to take their eight per cent. bonds with coupons from the first day of July, 1866, in lieu of the bond now held by the State against the said Alabama and Mississippi Rivers railroad company.

Conditions.

Delivery of bond.

Proviso.

Approved, February 17, 1866.

No. 472]

AN ACT

For the relief of William Johnson, of Tuscaloosa.

\$90.50-100 ap-  
propriated.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts, be, and he is hereby authorized and required to draw his warrant on the State treasurer for the sum of ninety and fifty-one hundredth dollars, in favor of William Johnson of Tuscaloosa, for feeding a State prisoner.  
Approved, February 22, 1866.

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No. 473.]

AN ACT

To declare Eliza Webb, wife of Conrad Webb, of Montgomery county, a free dealer.

Free dealer

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Eliza Webb, wife of Conrad Webb, of the county of Montgomery, be, and she is hereby made and declared a free dealer, and that she shall be capable of contracting and being contracted with, or suing and being sued, alone without joining her said husband, and that she may transact and carry on all or any business she may engage in, and that she be entitled to all the rights and privileges, and subject to all the liabilities of a *feme sole*, notwithstanding her coverture.  
Approved, February 20, 1866.

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No. 474.]

AN ACT

For the relief of B. W. Young, late sheriff of Montgomery county.

\$183 appropri-  
ated.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts, be, and is hereby authorized and required to draw his

warrant on the treasurer in favor of B. W. Young, of Montgomery county, for the sum of one hundred and eighty-three dollars (\$183) said warrant to be paid out of any money in the treasury , not otherwise appropriated.

Approved, February 23, 1866.

No. 475.]

AN ACT

For the relief of the sheriff of Montgomery county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter, it shall be the duty of the clerks of the circuit and city courts of the county of Montgomery, to furnish to the sheriff of said county , a certified list of the costs due said sheriff in every criminal case which may be disposed of in either of said courts in which the State fails to convict, or which the party or parties are convicted, shall be legally discharged from imprisonment, and where an execution shall be issued, and returned “ no property found,” and which certificate being approved by the presiding judge of said court, shall be a charge on the county treasurer of said county, and shall be registered and paid by the county treasurer of said county as other county claims are paid.

Duty of clerks of circuit and city courts.

Charge on county treasurer.

SEC . 2. *Be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed ; Provided, That this act shall only continue in force while stay laws are existing.

Repeal. Proviso

Approved, February 20, 1866.

No. 476.]

AN ACT

To authorize William O. Sharpe, of the county of Chambers, to sell a certain tract of land therein named.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That William O. Sharpe, of the county of Chambers, be, and he is hereby authorized and fully



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Authorized to  
sell land.

Location.

empowered to sell a certain tract of land, held in trust by him, for the use of his wife and heirs, either publicly or privately. Said land is located in the Eastern part of the Tallapoosa land district in the county of Chambers, and is South fractional-half of section thirty-six (36), township twenty-two, (22), and range twenty-eight, (28.)  
Approved, February 20, 1866.

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No. 477.]

AN ACT

For the relief of Allen J. Driver, former jailor of Chambers county.

\$36.15-100 ap-  
propriated.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be, and he is hereby directed to draw his warrant on the State treasurer for the sum of thirty-six and fifteen-one hundredth dollars, in favor of Allen J. Driver, former jailor of the county of Chambers, for victualing State prisoners, to be paid out of any money in the treasury, not otherwise appropriated.  
Approved, February 23, 1866.

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No. 478.]

AN ACT

For the relief of J. Davidson & Co., of Montgomery.

\$500 appropri-  
ated

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts, be, and he is hereby authorized and instructed to draw his warrant on the treasurer of the State for the sum of five hundred dollars, in currency, in favor of J. Davidson & Co., to be paid out of any money in the treasury, not otherwise appropriated.  
Approved , February 23, 1866.

No. 479.]

AN ACT

To make Elizabeth Ellis, of Macon county, a free dealer.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter Elizabeth Ellis, the wife of William Ellis, of Macon county, be authorized to make contracts and acquire and hold property, and deal generally in her own name, as if she was sole and unmarried.

Free Dealer.

SEC. 2. *Be it further enacted,* That all property acquired by her under the provisions of this act shall be held by her for her sole and separate use, free from the control of her said husband, and not liable in any manner for his debts, contracts, or engagements, either present or future.

Separate Estates.

SEC. 3. *Be it further enacted,* That upon all contracts made by the said Elizabeth Ellis, who may sue or be sued as if she was sole and unmarried, without joining her said husband with her in such suits, and that she may maintain actions in her own name alone to recover property acquired by her under this act, or for injuries done to such property, and that she may also be sued and made liable in her own name alone for injuries done by her to the property of other persons.

Rights and liabilities

Approved, February 20, 1866.

No. 480.]

AN ACT

To make Mrs. A. D. Sanford, wife of Daniel Sanford, of the county of Macon, a free dealer.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Mrs. A. D. Sanford, wife of Daniel Sanford, of the county of Macon, be and she is hereby made a free dealer, and allow her to sue and be sued in any court of this State, and do perform all acts as if she were a *feme sole*, any law to the contrary notwithstanding.

Free Dealer.

Approved, February 23, 1866.

No. 481.]

AN ACT

For the relief of A. Strassburger, of Montgomery.

\$212 80 appropriated.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be and he is hereby authorized and instructed to draw his warrant on the State treasurer in favor of A. Strassburger for the sum of two hundred and twelve dollars and eighty cents, to be paid out of any money in the treasury not otherwise appropriated.

Approved, February 23, 1866.

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No. 482.]

AN ACT

To pay Messrs. Stone and Henry for printing.

\$70 appropriated

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of seventy dollars be and the same is hereby appropriated out of the State treasury to pay Messrs. Stone and Henry, of Pickens county, for printing amnesty oaths, in pursuance of the proclamation of the provisional Governor, and the ordinance of the State Convention, and that the comptroller of public accounts be and he is hereby instructed to draw his warrant on the State treasurer in favor of M. L. Stansel for that amount.

Approved, February 23, 1866.

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No. 483.]

AN ACT

For the relief of the Indigent of Shelby county.

Agent to be employed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the judge of probate for Shelby county be authorized to employ a suitable agent to receive at Selma all the provisions and supplies for said county, and ship the same on the Alabama and Tennessee Rivers Rail

Road to the several depots in said county, as he may be directed by the judge of probate, and shall receive for his services such compensation as the commissioners' court may deem proper.

SEC. 2. *Be it further enacted*, That said judge of probate shall appoint suitable agents at Montevallo, Lineville, Columbiana and Wilsonville, whose duty shall be to receive said supplies and deliver the same as directed by the judge of probate, or his agents, for further distribution.

SEC. 3. *Be it further enacted*, That the several justices of the peace be and they are hereby required to make and return to the judge of probate, quarterly, a statement of all the indigent in their several beats, showing the number, age and sex in each family destitute, and their distribution, and for the faithful discharge of their duties under this act shall be liable on their official bonds as justices of peace, and shall receive said supplies of the depot agents, and distribute the same to the indigent of their several beats as directed by the judge of probate.

SEC. 4. *Be it further enacted*, That the commissioners' court shall meet quarterly, and from the returns made by the justices, apportion the supplies according to the destitution, and to do all things necessary to carry out the provisions of this act.

SEC. 5. *Be it further enacted*, That said commissioners' court be and they are hereby authorized to borrow on the credit of the county so much money as may be necessary to pay freights on the supplies for the indigent and to pay said agents and justices of the peace as said commissioners may deem just and proper.

Approved, February 23, 1866.

No. 484.]

AN ACT

To compensate the Pages of the two Houses for certain service therein named.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of twenty dollars be and the same is hereby appropriated to pay for collecting and depositing with the Secretary of State the stationery left

His duty and compensation.

Agents in towns and their duties.

Duties of justices of peace.

The duty of commissioners' court

Commissioners may borrow money.

\$40 appropriated.

by members of the Senate at their rooms, to be paid to the page of the Senate upon his producing to the comptroller the certificate of the Secretary of State that the duties have been performed, and that a like sum be appropriated to the pages of the House, each for like services in collecting the stationery of the House, to be paid out of any money in the treasury not otherwise appropriated.

Approved, February 23, 1866

No. 485.]

AN ACT

For the relief of Abner Killough, late Sheriff of Jefferson county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be and he is hereby authorized and required to draw his warrant on the treasurer in favor of Abner Killough, late sheriff of Jefferson county, but now a resident of Shelby county, for the sum of seventy-two and seventy-five one hundredth dollars, to compensate him for going to and returning from the penitentiary to convey one George Parker a convict, sentenced to the penitentiary from the county of Jefferson, at the fall term of the court of said county, in the year 1864.

Approved, February 23.1866.

\$72 75 appropriated.

No. 486.]

AN ACT

For the relief of John Callahan, of Montgomery.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be and he is hereby authorized and instructed to draw his warrant on the State treasurer in favor of John Callahan, for the sum of one hundred and seventy-two dollars and twenty-five cents, in payment for work done in and for

\$172 25 appropriated.

the Senate chamber, the amount to be paid out of any funds in the treasury not otherwise appropriated.

Approved, February 23, 1866.

No. 487.]

AN ACT

To compensate D. J. Bunting for wood furnished the State capitol.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of seven hundred and ninety six dollars be and the same is hereby appropriated to pay D.J. Bunting for wood furnished the State capital , to be paid out of any money in the State treasury not otherwise appropriated.

\$796 00 appropriated.

SEC. 2. *Be it further enacted,* That the comptroller of public accounts be and he is hereby authorized and directed to draw his warrant on the State treasurer in favor of the said D. J. Bunting for the sum of seven hundred and ninety-six dollars.

Warrant

Approved, February 23, 1866.

No. 488.]

AN ACT

For the relief of W. B. & A. R. Bell & Co.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be and he is hereby authorized and required to draw his warrant on the treasurer for the sum of eight hundred and eighty-three and thirty-five one hundredth dollars in favor of W. B. & A. R. Bell & Co., to be paid out of any money in the treasury not otherwise appropriated.

\$833 35 appropriated.

Approved, February 23, 1866.

No. 489.]

AN ACT

To compensate S. B. Brewer for extra services.

\$260

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Comptroller of Public Accounts be, and he is hereby authorized to draw his warrant on the Treasurer in favor of S. B. Brewer, for the sum of two hundred and sixty dollars, for extra services performed for the House of Representatives during the present session of the General Assembly.  
Approved, February 23, 1866.

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No. 490.]

AN ACT

For the relief of Josiah Daniel, of Cherokee county.

Governor to  
employ counsel

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Governor be, and he is hereby authorized to employ counsel to defend Josiah Daniel, in the event the said Daniel tried to under the charge of murder, and now under arrest by military authorities.  
Approved, February 23, 1866.

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No. 491.]

AN ACT

For the relief of P. G. Nash, general Administrator of Sumter county.

Funds to be  
used in settling  
estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Preston G. Nash, general administrator of the county of Sumter, be, and he is hereby authorized in the settlements with the judge of probate of said county, on all estates in his hands, the assets of which consist exclusively of Confederate treasury notes and securities, to pay the costs of such settlements accruing to said probate judge, or the State, or county, through his office, in such assets as the estate may own and possess at

the time of such settlement and that said probate judge shall not demand other funds in the cost of settlement as to such fees than such as the estate may own and possess at the time the settlement is made.

Approved, February 23, 1866.

No. 492.]

AN ACT

For the relief of Elizabeth Morris.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the chancery court composed of the counties of Walker and Jefferson is authorized to grant a divorce in favor of Elizabeth Morris, from her husband, Milton Morris, on satisfactory proof that said M. Morris has been insane for more than six years, and is now hopelessly insane.

Chancery court may grant divorce.

Approved, February 23, 1866.

No. 493.]

AN ACT

To allow Wm. T. Hatchett and Jared Bates to establish ferries across the Tallapoosa river.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That William T. Hatchett and Jared Bates be, and they are hereby authorized to establish a ferry across the Tallapoosa river on what is known as the Lower Wetumpka or Grey's Ferry road, and also across said river on the Upper Wetumpka or Judkins' Ferry road at or near where the said ferries respectively are now situated, and which are now owned and held by them, and they and their heirs and assigns are hereby authorized to charge such toll for crossing at said ferries as may from time to time be prescribed by the court of county commissioners of Montgomery county.

Authorized to establish fer-

SEC. 2. *Be it further enacted,* That the said Wm. T. Hatchett and Jared Bate, their heirs and assigns, shall give bond and good security payable to the county of

Bonds to be given.



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Renewal of  
bond.

Proviso.

Montgomery, to be approved by the judge of probate of said county, with the same conditions as are now required by other keepers of public ferries in this State; which bond shall be renewed every ten years, unless otherwise required by the judge of probate, for the want of sufficient security, any law to the contrary notwithstanding; Provided, That nothing herein contained shall be so construed as to interfere with the rights of any other person, or allow the right of way or passage over the land of any other person.  
Approved, February 23, 1866.

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No. 494.]

AN ACT

To declare Exa M. Brown, wife of Henry H. Brown, of the county of Chambers, a free dealer.

Free dealer.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Exa M. Brown, wife of Henry Brown, of the county of Chambers, be, and the same is hereby made and declared a free dealer, and sue and be sued, plead and be impleaded, alone, without joining her husband, and do all things, carry on her business alone, and contract and be contracted with, and do all things fully and effectually as though she was a *feme sole*, notwithstanding her said marriage.  
Approved, February 23, 1866.

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No. 495.]

AN ACT

To declare Elizabeth Hoodley and Mary Ann Crowder, free dealers.

Free dealer.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Elizabeth Hoodly, wife of Charles E. Hoodley, of the county of Chambers be, and she is hereby declared a free dealer, and as such may contract and be contracted with, may sue and be sued, plead and be impleaded, in all the courts of law and equity in this

State, and may acquire and hold property, real, personal and mixed, free from the control of her husband, and may do any other and all acts as if she were a *feme sole*.

SEC. 2. *Be it further enacted*, That the provisions of this act be extended to Mary Ann Crowder, wife of H. F. Crowder, of the county of Macon.

Approved, February 23, 1866.

The same.

No. 496.]

AN ACT

For the relief of James B. Berry, of the county of Tallapoosa.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That James B. Berry, of the county of Tallapoosa, be, and is hereby authorized to have and carry on a restaurat in the town of Dadeville, free from license and taxation ; Provided, The said Berry does not sell vinous or spirituous liquors.

Approved, February 23, 1866.

May keep restaurat without license. Proviso.

No. 497.]

AN ACT

For the relief of the Court of County Commissioners of Macon County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Comptroller of Public Accounts be, and he is hereby authorized and required to draw his warrant on the Treasurer of the State in favor of the probate judge of Macon county for the amount due said county for feeding prisoners confined in the county jail of said county, from the 31<sup>st</sup> day of August, 1865, to the 21<sup>st</sup> day of November, 1865, inclusive, upon the said probate judge presenting and filing the proper account

Appropriation for amount when authenticated.

therefor with said Comptroller , as sheriffs as now required to do by law.

Approved, February 23, 1866.

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No. 498.]                      AN ACT

For the relief of John Callahan.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Comptroller of Public Accounts be, and he is hereby authorized and directed to draw his warrant on the Treasurer in favor of John Callahan, for the sum of one hundred and nine dollars and fifty cents to be paid out of any money in the treasury not otherwise appropriated.

\$109 50 appropriated.

Approved, February 23, 1866.

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No. 499.]                      AN ACT

For the relief of Edward H. Ustick, Jailor of Sumter county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of four hundred and ninety dollars be, and the same is hereby appropriated to compensate Edward H. Ustick, jailor of Sumter county, for feeding colored persons charged with criminal offenses.

\$490 appropriated.

SEC. 2. *Be it further enacted,* That the Comptroller of Public Accounts be authorized to draw his warrant on the State Treasurer for the same to be paid out of any moneys in the treasury not otherwise appropriated.

Approved, February 23, 1866.

No. 500.] AN ACT

For the relief of A. H. Slaughter, of the county of Tallapoosa.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Comptroller of Public Accounts be, and he is hereby authorized and required to draw his warrant on the State Treasurer for the sum of one hundred and eighty-five dollars, in favor of A. H. Slaughter, to be paid out of any money in the treasury not otherwise appropriated, for feeding prisoners in the county jail in the county of Tallapoosa.

\$185 appropriated.

Approved, February 23, 1866.

No. 501.] AN ACT

To authorize the guardians of Sallie Ann and Drury Fair Jones to lease and repair the real estate of said minors.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Thomas J. Porter and Martha Jones, guardians of Sallie Ann and Drury Fair Jones, minor heirs of Richard Jones, deceased be, and they are hereby authorized to make all such contracts for the leasing, repairing and improvement of the real estate belonging to their said wards, as may be necessary and proper for the interests of the latter. All contracts made under authority of this act shall be reported to and approved by the proper court of probate, before any validity shall attach thereto.

May make contracts for improvements.

Reports.

Approved, February 23, 1866.

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# JOINT RESOLUTIONS

OF THE  
**SESSION OF 1865-6.**

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## JOINT RESOLUTIONS

Of the General Assembly of the State of Alabama, ratifying an amendment to the Constitution of the United States.

Whereas, the Congress of the United States on the 1<sup>st</sup> day of February, 1865, adopted a joint resolution submitting to the several States a proposition to amend the constitution of the United States, as follows : Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, (two-thirds of each house concurring,) that the following article be proposed to the Legislatures of the several States as an amendment to the constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid to all intents and purposes. Article XIII, section 1<sup>st</sup>. Neither slavery nor involuntary servitude except as a punishment for crime, whereof the party shall have been duly convicted shall exist within the United States or any place subject to their jurisdiction. Section 2. Congress shall have power to enforce this article by appropriate legislation ; and the said foregoing proposed amendment having been laid before this General Assembly, by the Provisional Governor of this State, for consideration, and action; Now therefore—

SECTION 1. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the foregoing amendment to the constitution of the United States, be,*

and the same is hereby ratified to all intent and purposes, as part of the constitution of the United States.

SEC. 2. *Be it further resolved*, That this amendment to the constitution of the United States is adopted by the Legislature of Alabama, with the understanding that it does not confer upon Congress the power to legislate upon the political status of freedmen in this State.

SEC. 3. *Be it further resolved by the authority aforesaid*, That the Governor of the State, and he is hereby requested to forward to the President of the United States, an authentic copy of the foregoing preamble and resolutions.

Approved, December 2, 1865.

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#### JOINT MEMORIAL AND RESOLUTIONS.

Of the General Assembly of the State of Alabama, to the President of the United States, in behalf of Josiah M. Daniel, late sheriff of Cherokee county.

Whereas, Josiah M. Daniel, late sheriff of Cherokee count, is now under military arrest at Talladega, charged with the killing of a soldier named Tatson, late of the United States service ; and , whereas, satisfactory evidence has been brought before this General Assembly, that said unfortunate event occurred while said Daniel was in the actual and faithful discharge of his official duty ; and, whereas, circumstances which in opinion of this General Assembly, shall recommend him to Executive clemency, which circumstances are predicated on the following state of facts, to-wit : On the 24<sup>th</sup> day of August last, said Daniel, then acting as sheriff aforesaid, had appeals and applications made to him by certain citizens of high respectability of said county, to raise his *posse commetatus*, as he was in duty bound, to proceed to a certain adjacent neighborhood, and suppress what was supposed to be a lawless band of marauders and robbers, which said band, some twenty or thirty in number were wearing the uniform of the United States army, which uniform was believed both by said citizens and the sheriff aforesaid, to be a pretext and shield against their acts of lawlessness. Said band (which was subsequently ascertained to be United States soldiers, ) being then engaged in raiding and marauding the county, robbing, the people, pillaging houses, and arresting respectable loyal, and peaceable citizens, and threatening to have them shot ; such occurrences being frequent ; and he the said sheriff, having but a short time prior to that date, arrested other bodies of robbers and marauders, dressed as afore-

said, but who, upon examination before the civil authorities, turned out to be citizens not connected with the military service ; and the said Daniel, after duly consulting with discreet and prudent and peaceful citizens, was advised that it was his duty under the laws in force on and before the 11<sup>th</sup> January, 1861, and under the authority of the proclamation of the Provisional Governor of Alabama, did on the day and year first indicated, under an honest sense of duty, summon his *posse*, and start in pursuit of said raiders, robbers and marauders, a squad of whom he encountered on the same day, and arrested them without resistance. His *posse* was notified of the approach of a second, and was ordered to advance, and soon encountered the said second squad, who were ordered to halt and surrender ; the advance did halt and dismount, as was supposed by the sheriff and his *posse*, to obey the order, but taking shelter, some behind trees and others behind their horses, fired upon the sheriff and his *posse* who returned the fire, and a sharp fight ensued of about one minute. Those of the squad who had not dismounted made a retreat, after which, the sheriff discovering one man with a Spencer rifle, who, having fired the same several times, was making preparations to shoot again, advanced on him, and ordered him to surrender. The man accosted, being in the act of shooting, changed the direction of his gun and fired on the sheriff, who thereupon, sprang to one side, the ball passing through the skirt of his coat ; he clubbed his gun, and almost simultaneously with the firing, struck the man on the head and felled him to the ground, breaking his skull, of which he died on the following day. On learning from those whom he had arrested, that these men were in the military service of the United States, and were on detail duty, he desisted from further pursuit; turned the men by him captured over to the military authorities and released the citizens whom they had previously arrested. This General Assembly, fully impressed with the belief , that the sheriff was acting under an honest conviction of duty, and that the facts as detailed are true, and that when he struck the unfortunate blow, he did so from no malicious or murderous intent, but under the excitement of the moment ; would respectfully suggest, that it presents a case in which, if there is crime, it is not without mitigation, and one that may be urged in favor of a lenient policy on the part of the Chief Executive officer of the United States. The good character of Mr. Daniel as a citizen, efficient officer, a humane and kind hearted man, in all the relations of life, are also matters of legitimate consideration , in determining the criminal intent of the act. Therefore—

SECTION 1. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That His*



Excellency the President of the United States, be, and he is hereby

respectfully memorialized to grant to the said Josiah M. Daniel, a full pardon of the offense wherewith he is charged. If in the event His Excellency cannot consistently with his sense of duty, grant a full pardon, he is then respectfully requested to issue an order to the military authorities having him in custody to turn him over the civil authorities of the State of Alabama, to be tried by the laws of the State. If a compliance with the preceding clause of this memorial shall be inconsistent with the established usages of the government it is then respectfully asked that the President will issue an order allowing the said Daniel to give bail for his appearance to answer to the charges which are or may be preferred against him by any tribunal having jurisdiction of the same, at such time and place as may be designated for his trial, and that said trial may be had in Alabama, at a point convenient to the witnesses.

SEC. 2. *Be it further resolved*, That our Senators in the Congress of the United States, be, and they are hereby instructed to lay this memorial and the accompanying resolutions, before His Excellency the President of the United States, and to use all honorable and assiduous means to procure a favorable consideration of this memorial and of the accompanying prayer.

SEC. 3. *Be it further resolved*, That His Excellency the Governor of Alabama, be, and he is hereby required to cause three copies of this preamble and these resolutions, properly signed by him, and duly certified under the great seal of the State, and cause them to be forwarded to our said Senators, one copy each, and one to be laid before the President of the United States.

Approved, February 20, 1866.

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#### JOINT RESOLUTION

To provide for the payment of Clerks to Committees of the House of Representatives.

*Resolved, the two Houses concurring*, That William J. Greene, clerk of the committee on freedmen ; John W. Shepherd, clerk of the committee on the judiciary ; and Joseph Hodgson, clerk of the committee and ways and means, and John A. Graham, clerk of the committee on destitution and supplies, be payed five dollars per day for their services, to be drawn from the treasury as in case of the payment of members and officers of the general assembly.

Approved, December 15, 1865.

## JOINT RESOLUTION

To authorize the Governor to contract for a loan for the State.

SECTION 1. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Provisional Governor be, and he is hereby authorized and empowered to contract, in behalf of the State, for a temporary loan of one hundred thousand dollars, upon such terms and conditions as he may deem consistent with the best interests of the State.*

Approved, December 2, 1865.

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 JOINT RESOLUTION

Authorizing the printing of all laws relative to Freedmen.

SECTION 1. *Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That all bills that have or may pass in regard to freedmen be collected in one series, and that ten thousand copies be printed by Friday next M for the use of the country.*

Approved, December 15, 1865.

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 MEMORIAL AND JOINT RESOLUTIONS

To the President of the United States in relation to the withdrawal of the federal troops from the State of Alabama.

Your memorialists, the representatives of the people of Alabama, respectfully represent to your excellency: That the citizens of this State, having renewed their allegiance to the federal government with unexampled unanimity and sincerity of purpose; and having manifested a spirit of loyalty becoming the dignity of one of the sovereignties of the Union, and a determination to preserve peace, maintain order, and to enforce the execution of the laws; and having evinced by their actions in the late State convention, and by the feeling which pervades this general assembly, a like determination to provide for the wants of the freedmen, who have been so suddenly precipitated upon the charity of the world in a state of destitution, and to protect them in the enjoyment of their constitutional rights by legal enactments and otherwise, feel that it is due

to themselves respectfully to suggest that these indisputable facts furnish to your excellency a guaranty that Alabama can be entrusted with the execution of the laws, the protection of her population and the management of her own internal affairs. The continued presence of the troops of the federal army, however orderly and respectful in their deportment, is a constant source of irritation to the people, engaged as they are in the civil pursuits of life, and have doubtless provoked at various times unpleasant collisions. These do not however furnish any evidence of disloyalty, and for them the citizens of the State should not be held responsible. The recurrence of this evil may be safely anticipated as long as the federal garrisons are quartered among us. Many of these troops are either garrisoned, or occasionally quartered in neighborhoods and localities remote from safe lines of transportation, and are therefore compelled to subsist their stock upon the country. In consequence of an unprecedented scarcity of provisions, and the amount of indigence and destitution which must necessarily be provided for, an extreme hardship is thereby imposed upon the people. The freedmen of this State, the great majority of whom are under contracts for labor for the present year, yielding to the natural credulity characteristic of the race, cherish the belief that their idleness, violation of contracts and insubordination are indirectly countenanced by the soldiers, and most especially by the colored portions of them. A vague and indefinite idea pervades the masses of freedmen, that at the expiration of the present year a general division of property will be made among them. It is believed that this state of mind is produced by their frequent intercourse and association with the colored troops. It is needless to remind your excellency that while this groundless and ridiculous delusion continues, the agricultural and industrial interests of the State must suffer, while at the same time the evils and horrors of domestic insurrection may be reasonably anticipated. To prevent such disastrous and deplorable results, and to guard against the evils and hardships above referred to, and inasmuch as the convention of the State has provided for the organization of militia companies in each county to aid the civil authorities in the execution of the laws, the maintenance of order, and the preservation of peace, which provision the governor is faithfully and effectually enforcing, it is therefore hereby—

*Resolved*, That the president of the United States be, and he is hereby respectfully requested and memorialized by the general assembly of the State of Alabama, to order the withdrawal of the federal troops now on duty therein.

*Resolved, 2d*, That upon the withdrawal of said troops, the governor of the State is hereby recommended and requested to tender to

the officers of the freedmen's bureau the use of said militia companies to enforce their rules and orders when necessary.

*Resolved, 3d,* That a copy of these resolutions be furnished to Major General Swayne of the freedmen's bureau, and each of the senators to be elected, and the members of the House of Representatives of the Congress of the United States from this State.

Approved, January 16, 1866.

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### JOINT RESOLUTIONS

Authorizing the Governor to appoint Commissioners to prepare a Penal Code.

SECTION 1. *Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the penal laws of this State be so modified, adjusted, and codified, as to reduce the enormous expenditure of the present administration of the criminal law, to prevent delays and to adjust the same to the present financial system of the country; and to this end, His Excellency the Governor appoint two commissioners to prepare and submit to this body a penal code for its action, on or before the first Monday of February next.

Approved, January 23, 1866.

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### JOINT RESOLUTIONS

To invite Immigration to Alabama.

*Whereas,* it is our duty as legislators of the State of Alabama to facilitate and encourage every effort which is calculated to increase the wealth and develop the resources of the State, therefore:

SECTION 1. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in view of the diminished population of the State as compared with the productiveness and variety of her soil, the salubrity or her climate, the high price of her great staples, and the consequent demand of certain reliable and productive labor and capital, the State of Alabama at this time presents great and unusual inducements to immigrants; and we specially invite within our borders the orderly, peaceful and industrious white population from Europe and elsewhere

tendering to all such a hearty welcome and full protection to person and property.

Approved, February 20, 1866.

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### MEMORIAL AND JOINT RESOLUTIONS

Of the Senate and House of Representatives of the State of Alabama in General Assembly convened, to the President of the United States.

Your memorialists, the representatives of the people of the State of Alabama, respectfully represent to your Excellency that the people of this State having renewed their allegiance to the Federal government with unexampled unanimity and sincerity of purpose, and having manifested a spirit of loyalty becoming the dignity of one of the sovereignties of the Union, and a determination to preserve peace, maintain order, and to enforce the execution of the laws of the land, and having evinced by their action in the late State Convention, and by the feelings which pervade this general assembly, a resolution to support the Constitution and laws adopted by the national Congress, in pursuance thereof—

*Be it therefore resolved,* That the President of the United States be and he is hereby respectfully requested and memorialized by the general assembly of the State of Alabama to release on parole Hon. C. C. Clay, Jr., of this State, so that he may return and be confined to the limits of his native State, to await the further order of your Excellency, the President of the United States.

*Be it further resolved,* That the Executive of this State is hereby respectfully requested and authorized to furnish copies of this memorial and joint resolutions to our Senators and Representatives in Congress, to be presented to the President of the United States.

Approved, December 15, 1865.

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### PREAMBLE AND JOINT RESOLUTIONS

Authorizing Alabama to accept a grant of Public Lands.

*Whereas,* The Congress of the United States did, by an act approved July 2, 1862, grant unto the several States thirty thousand acres of public lands for each Senator and Representative thereof,

to be applied to the establishment of agricultural schools and other purposes connected therewith, therefore:

SECTION 1. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That His Excellency the Governor, be and he is hereby authorized and directed to notify the proper department or the United States Government before the first day of July 1866, that the grant aforesaid is accepted by the State of Alabama in accordance with the terms and provisions of the act of Congress aforesaid.

SEC . 2. *Be it further enacted*, That it shall be the duty of the Governor , as soon as practicable after such notification , to appoint two commissioners to select and locate said lands in accordance with the terms and provisions of the act of Congress hereinbefore referred to.

Approved, February 20, 1866.

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#### A JOINT MEMORIAL

Of the Senate and House of Representatives of the State Alabama  
in General Assembly convened, to the Congress of the United  
States.

This memorial of the general assembly of the State of Alabama to the Senate and House of Representatives of the United States of America in Congress assembled , respectfully shows unto your honorable bodies : That by virtue of an act of the Congress of the United States, approved on the third day of June, 1856, “granting public lands in alternate sections to the State of Alabama, to aid in the construction of certain railroads in said State,” the trust reposed by which act being accepted by the State and the necessary enactments of her general assembly made to carry out the objects of this liberal donation to encourage the railroads of the State so as to make the same available on the terms of the grant, several of the roads embraced in the above recited act, to-wit : the Tennessee and Coosa Rivers Rail Road, from Gunter’s landing, on the Tennessee river, to Gadsden on the Coosa river ; the Wills Valley Rail Road from Gadsden through Wills and Lookout Valleys to Chattanooga ; the Girard and Mobile Rail Road from Girard to Mobile, Alabama ; the North East and South West Alabama Rail Road from near Gadsden to Meridian, Mississippi ; the Coosa and Alabama Rail Road from Selma to Gadsden, and the Central Rail Road from Montgomery to some point on the Alabama and Tennessee State line, in the direction of Nash-

ville, Tennessee , were commenced and being in regular process of construction, when all operations and work towards their completion were suspended by the late unfortunate civil war between the so-called Confederate States and the United States of America, and the said railroad corporations thereby prevented from complying with the terms of the grant as to the time of completion of their respective roads, which was to be within ten years from the passage of the act ; now, therefore, by reason of this prevention, wholly unexpected and unavoidable on the part of these corporations, who encouraged by this very liberal grant of the general government had invested capital and expended time and labor in good faith for the prosecution of these great and important works of internal improvement , important to the United States as well as the State of Alabama, in enlarging the commercial resources, developing the mineral wealth of a common country, and strengthening the bonds of union between the States, the general assembly of the State of Alabama do most respectfully ask of the Congress of the United States to extend to these railroad companies the time for the completion of their roads five years from and after the third day of June, 1866, and your memorialists will ever pray, &c.

*Resolved*, That the Governor of this State furnish a copy of this memorial to the President of the United States, with a request that he will, at an early day, bring the same to the favorable notice of Congress.

Approved, February 20, 1866.

---

## JOINT RESOLUTIONS

Of the General Assembly of the State of Alabama on the state of the Union.

*Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the people of the State and their representatives here assembled , cordially approve the policy pursued by Andrew Johnson, President of the United States in the reorganization of the Union. We accept the result of the late contest, and do not desire to renew what has been so conclusively determined ; nor do we mean to permit any one subject to our control to attempt its renewal, or to violate any of our obligations to the United States Government. We mean to co-operate in the wise, firm and just policy adopted by the President, with all the energy and power we can devote to that object.

*Resolved 2.* That the above declaration expresses the sentiments



and purposes of all our people, and we denounce the efforts of those who represent our views and intentions to be different, as cruel and criminal assaults on our character and our interest. It is one of the misfortunes of our present political condition that we have among us persons whose interests are temporarily promoted by such false representations; but we rely on the intelligence and integrity of those who wield the power of the United States Government for our safeguard against such malign influences.

Resolved 3. That involuntary servitude, except for crime, is abolished, and ought not to be re-established and that the negro race among us should be treated with justice, humanity and good faith, and every means that the wisdom of the legislature can devise should be used to make them useful and intelligent members of society.

Resolved 4. That Alabama will not voluntarily consent to change the adjustment of political power as fixed by the Constitution of the United States, and to constrain her to do so in her present prostrate and helpless condition, with no voice in the councils of the nation would be an unjustifiable breach of faith, and that her earnest thanks are due to the President for the firm stand he has taken against amendments of the Constitution forced through in the present condition of affairs.

Approved, February 22, 1866.

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OFFICE SECRETARY OF STATE,                                }  
MONTGOMERY, May 18, 1866.                               }

I certify that the foregoing Acts and Joint Resolutions are correct copies from the original rolls on file in this office.

ALBERT ELMORE,  
Secretary of State.

## **ERRATA.**

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1. Page 84, line 11, from top, after the word "said" insert the words, property to the said officer levying the said. In the same line after the word "to," insert the words the plaintiff.
2. Page 46, date of approval should be December 14, 1865.
3. Page 47, approval of Act No. 17 should be January 21, 1866.
4. Page 56, approval of Act No. 31 should be February 6, 1866.

TABLE  
OF THE  
RATES OF INTEREST IN THE STATES OF THE UNION.

*Compiled in pursuance of an Act, approved February 18<sup>th</sup>, 1848.*

Maine	6 per cent.	Kansas (convent'l)	10 per cent.
Rhode Island	6 “ ”	New Hampshire	6 “ ”
Massachusetts	6 “ ”	Connecticut	6 “ ”
New - York	7 “ ”	Vermont	6 “ ”
Pennsylvania	6 “ ”	New Jersey	6 “ ”
Maryland	6 “ ”	Delaware	6 “ ”
North Carolina	6 “ ”	Virginia	6 “ ”
Tennessee	6 “ ”	South Carolina	7 “ ”
Ohio	6 “ ”	Kentucky	6 “ ”
Illinois	6 “ ”	Indiana	6 “ ”
Alabama	8 “ ”	Georgia	8 “ ”
Arkansas	6 “ ”	Missouri	6 “ ”
Iowa	7 “ ”	Michigan	6 “ ”
Texas	8 convent'l.	Florida	8 “ ”
Carifornia	10 “	Wisconsin	7 “ ”

MISSISSIPPI— Legal interest, 6 per cent., and lent money 8 per cent.

LOUISIANA – Legal interest , 5 per cent.; bank interest, 6 per cent.; conventional interest, 10 per cent.

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# GENERAL ASSEMBLY OF ALABAMA

SESSION OF 1865-66.

LIST OF SENATORS, WITH THEIR DISTRICTS AND POST OFFICES.

SENATORS.	DISTRICTS.	POST OFFICES.
Walter H. Crenshaw, Pres.	Lowndes and Butler,	Greenville.
Micah Taul, Secy'y.....		Talladega.
Wm. H. Garrett, Ass. Sed.....		Bradford.
Wm. A. Ashley,.....	Coffee, Covington and Conecuh.....	Sparta.
Wm. H. Barnes,.....	Chambers,.....	Fayette C H.
Middleton R. Bell, .....	Randolph,.....	Chulifinnee.
F. E. Boykin,.....	Pike,.....	Buck Horn.
J. W. Castens,.....	Russell,.....	Crawford.
A. B. Cooper,.....	Dallas and Wilcox,.....	Camden.
G. T. Deason,.....	Jefferson and Shelby,.....	Elyton.
John N. Drake.....	Madison,.....	Huntsville.
W. H. Edwards,.....	Blount and St. Clair,.....	Village Springs.
A. C. Felder,.....	Montgomery, Autauga,.....	Montgomery.
Wm. H. Forney,.....	Calhoun,.....	Jacksonville.
John T. Foster,.....	Sumter, Choctaw and Washington,.....	Butler.
C. C. Huckabee,.....	Greene and Marengo,	Newbern.
Wm. Garrett,.....	Coosa,.....	Bradford.
Charles P. Gage,.....	Mobile,.....	Mobile.
James Jackson,.....	Lauderdale,.....	Florence.
J. M. Jackson,.....	Limestone and Morgan,	Somerville.
E. P. Jones,.....	Marion and Fayette,.....	Fayette.
John Y., Kilpatrick, .....	Baldwin, Monroe, Clarke	Grove Hill.
R. B. Lindsay,.....	Franklin,.....	Tuscumbia.
James Montgomery,.....	Talladega,.....	Eastaboga.
E. H. Moren,.....	Perry and Bibb,.....	Centreville.

SENATORS.	DISTRICTS.	POST OFFICES.
A. C. Mitchell.....	Barbour,.....	Glennville.
J. H. Norwood,.....	Jackson,.....	Bellefonte.
E. A. Powell,.....	Tuscaloosa.....	Tuscaloosa.
R. H. Powell,.....	Macon,.....	Union Springs.
M. L. Stansel,.....	Pickens,.....	Carrollton.
A. H. Slaughter,.....	Tallapoosa,.....	Dadeville.
	Lawrence, Winston and	
Francis W. Sykes,.....	Walker.....	Courtland.
	Pike,.....	Troy.
E. B. Wilkinson, (resigned and succeeded by F. E. Boykin,).....		
Wm. O. Winston,.....	Marshall and DeKalb,	Valley Head.
Wm. Wood,.....	Dale and Henry,.....	Abbeville.
A. L. Woodliff,.....	Cherokee,.....	Gadsden.

# NAMES

OF

REPRESENTATIVES AND THEIR POST OFFICES.

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COUNTY.	NAME OF REPRESENTATIVE.	POST OFFICE
Autauga,	Doster, Chas. S. G.	Prattville.
Baldwin,	Robinson, G. W.	Stockton.
Barbour,	Davis, G. H.	Glennville.
“	Faulk, Henry	Louisville.
“	Pipkin, H.	Midway.
Bibb,	Davis, James W.	Centreville.
Blount,	Gibson, A. M.	Blountsville.
“	Palmer, s.	Summit.
Butler,	Crenshaw, T. C.	
“	Gafford, S. F.	Greenville.
Calhoun,	Borden, W. J.	Jacksonville.
“	McBee, H.	Jacksonville.
“	Ellis, George C.	“
Chambers,	Meadors, J. C.	La Fayette.
“	Robinson, James L.	Fredonia.
Cherokee,	Brandon, J. W.	Gaylesville.
“	Cooper, Thos. B.	Centre.
“	Lawrence, John	Cedar Bluff.
“	Potter, John	Gadsden.
Choctaw,	Morse, Joshua	Butler.
“	Smith, G. F.	Mt. Sterling.
Clarke,	Savage, Thos. B.	
Coffee,	Moore, John G.	Elba.
Conecuh,	Walker, F. M.	Sepulga.
Coosa,	Edwards, John	Buyckeville.
“	McCain, T. U. T.	Wetumpka.
“	Vansandt, James	Rockford.
Covington,	Chapman, J. D.	Leon.

COUNTY.	NAME OF REPRESENTATIVE.	POST OFFICE.
Dale,	Callaway, P. M.	
“	Cotten, C. T.	Haw Ridge.
Dallas,	Mabry, A. G.	Selma.
“	Reese, James T.	Selma.
De Kalb,	Malone, G. W.	Lebanon.
“	Warren, N. M.	Lebanon.
Fayette,	Cobb, Alexander	Fayette C. H.
“	Malloy, Thomas	
Franklin,	Goodwin, F. Le B.	Frankfort.
“	Thorn, Thomas	Burleson.
Greene,	Pierce, John G.	Eutaw.
“	Waller, Robt. B.	
Henry,	Culver, Geo. W.	Hillardsville.
“	Odum, Aaron	Woodville.
Jackson,	Padgett, W. J. B.	Princeton.
“	Smith, H. F.	Larkinsville.
“	Williams, James	Bridgeport.
Jefferson,	Oliver, John	Cedar Grove.
Lauderdale,	Bourland, B. E.	Ridgersville,
“	McAlexander, E.	Florence.
Lawrence,	Ashford, A. E.	Courtland.
“	Clark, John M.	Mt. Hope.
Limestone,	Raisler, Chas. W.	Athens.
“	Richardson, W. J.	Athens.
Lowndes,	Brooks, N. L.	
“	Cox, Geo. S.	Hayneville.
Madison,	Humphrey, W. D.	Huntsville.
“	Ledbetter, J. W.	Huntsville.
Macon,	Echols, J. W.	
“	Frazer, Alexander	Auburn.
“	Judkins, John C.	
Marengo,	Jones, James R.	Spring Hill.
Marion,	Bankhead, John H.	Moscow.
“	Stedham, Winston	Bexar.
Marshall,	Bush, P. M.	Claysville.
“	Sheffield, J. L.	Warrenton.
Mobile,	Clark, Francis B.	Mobile.
“	Grant, John	Mobile.
“	McKinstry, Alex.,	Mobile.
“	Tompkins, John R.	Mobile.
Monroe,	McMillan, w. W.	Clauselville.
Montgomery,	Bethea, T. B.	Montgomery.

“  
Morgan,

Caffey, H. M.,  
Freeman. Z. F.

Montgomery.

COUNTY	NAME OF REPRESENTATIVE.	POST OFFICE.
Perry	Moore, John	Marion.
"	Sturdivant, Robt. D.	Summerfield.
Pike	Goldthwaite, J. R.	Troy.
"	Stringer, W. B.	Henderson.
"	Worthy, a. N.	Troy.
Pickens,	Henry, R.	Columbus, Miss.
"	Lanier, Thomas C.	Pleasant Ridge.
Randolph,	Connelly, W. E.	Roanoke.
"	Dobson, W. W.	Wedowee.
"	Williams, James L.	County Line.
Russell,	McCoy, L. F.	Crawford.
"	Owens, B. G.	Hurtville.
St. Clair,	Ash, George W.	Branchville.
Shelby,	Hand, J. C.	Shelby Springs.
"	Leeper, Samuel	Columbiana.
Sumter,	Hare, W.V.	Gainesville.
Talladega,	Hardie, J. w.	Talladega.
"	McCann, Jos. D.	County Line.
"	Plowman, Geo. P.	Talladeda.
Tallaposa,	Lindsey, Joseph	Dadeville.
"	McCoy, H. R.	De Soto.
"	Thrasher, David H.	Dadeville.
Tuscaloosa,	McLester, James A.	
"	Whitfield, N. L.	Tuscaloosa.
Walker,	Manasco, John	Holly Grove.
Washington,	Yonge, George C.	
Wilcox,	Hawthorn, J. R.	Pine Apple.
Winston,	Wilhite, J. W.	
Greene,	Fowler, W. H., clerk,	Greensboro.
Montgomery,	Clanton, Turner, assistant clerk,	Montgomery.
"	Taylor, Thomas, engrossing clerk,	Montgomery.
Elmore,	Clerk, Robt., door keeper	Wetumpka.